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1 — Texas congressman says EPA can dispel suspicions in hearings on Colorado mine spill, Dallas Morning News, 9/7/2015

<http://www.dallasnews.com/news/washington/20150907-congressional-hearings-focus-on-colorado-toxic-mine-spill-caused-by-epa-crew.ece>

The focus on a toxic mine spill that fouled rivers in three Western states is shifting to Congress, where lawmakers this week kick off a series of hearings into the U.S. Environmental Protection Agency accident. Leading House and Senate Republicans said EPA officials were frustrating their attempts to investigate the spill.

2 — Texas falls under EPA clean water regulation, Longview News Journal, 9/8/2015

<http://www.news-journal.com/news/2015/sep/07/texas-falls-under-epa-clean-water-regulation/>

The Obama administration's controversial new clean water regulations apply in Texas after all. Clarifying an injunction he issued last week, a federal judge in North Dakota said he blocked the federal Waters of the U.S. rule — aimed at better defining the scope of bodies of water protected under the federal Clean Water Act — from taking effect in only 13 states suing in his court.

3 — Drilling boom leaves some ranchers in a wasteland, Santa Fe New Mexican, 9/7/2015

http://www.santafenewmexican.com/news/local_news/drilling-boom-leaves-some-ranchers-in-a-wasteland/article_2e3d873d-4c07-5706-9b25-8a3e49b03f47.html

Carl Johnson and son Justin are third- and fourth-generation ranchers who for decades have battled oilfield companies that left a patchwork of barren earth where the men graze cattle in the high plains of New Mexico. Blunt and profane, they stroll across a 1 1/2-acre patch of sandy soil — lifeless, save for a scattering of stunted weeds.

4 — Close attention warranted for EPA's new ozone rule, Oklahoman, 9/8/15

<http://newsok.com/article/5444646>

IT'S difficult to keep track of the many ways the Environmental Protection Agency under the Obama administration is working to make life more difficult and costly for Americans. One plan to pay attention to involves ozone regulations. This proposed rule hasn't garnered as much attention as, say, the EPA's Clean Power Plan, which seeks to reduce carbon dioxide emissions by 32 percent below 2005 levels by 2030. Energy produced from fossil fuels is the main target of that plan; naturally, Oklahoma oil and gas companies are concerned about the CPP's impact.

5 — Letter: Contamination, The Pueblo Chieftain, 9/7/2015

<http://www.chieftain.com/opinion/3918318-120/cotter-contamination-lincoln-park>

Attending the Future Use Community Planning Meeting (which could have been called “what will we do with Cotter’s contaminated neighborhood?”), I couldn’t help but feel that this is, again, time and effort for naught. Or, as a friend of Lincoln Park often said, “I’m afraid they’re drinking their own bath water.”

6 — (Opinion) Proposed EPA ozone rules will damage economy, San Antonio Express News, 9/6/2015

<http://www.mysanantonio.com/opinion/commentary/article/Proposed-EPA-ozone-rules-will-damage-economy-6486253.php>

An independent study of water quality in the Animas River after the Gold King Mine spill shows major human health concerns were short-lived, though slight spikes in pollution might occur with runoff. Mountain Studies Institute, a nonprofit scientific research organization with an office in Durango, found a spike in metals as the orange plume passed through Durango on Aug. 6.

7 — Would you like processed sewage sludge with that?, Victoria Advocate, 9/6/2015

<https://www.victoriaadvocate.com/news/2015/sep/06/would-you-like-processed-sewage-sludge-with-that/>

So, you might ask yourself - is processed sewage sludge (biosolids) safe to apply to Texas farms and forests? And the answer would be - no, it is not safe. First, let me caution everyone about what you might refer to as an odor or smell. It is really an emission

8 — Old mines present mammoth remediation task in N.M., News OK, 9/6/2015

http://newsok.com/old-mines-present-mammoth-remediation-task-in-n.m./article/feed/885580?custom_click=rss

Steering his Toyota 4Runner through a dirt path in the town of Cerrillos, Todd Brown points to one of the piles of waste rock that have been sitting for decades in one of the most mineral-rich mining districts in the state. "In the old days ... they didn't even know what reclamation meant," Brown says about the process of restoring an abandoned mine site. "And people die, and people move and people sell. That's why nothing ever got cleaned up."

9 — (Opinion) Don't cherry-pick the science on methane, Express News, 9/7/2015

<http://www.mysanantonio.com/opinion/commentary/article/Don-t-cherry-pick-the-science-on-methane-6486290.php>

Rep. Lamar Smith is the chairman of the House Committee on Science, Space, and Technology. One would expect he measures his public statements wisely, talks to independent science and technology experts often, and bases his statements on the best available evidence, rather than preconceived, ideology-driven notions.

10 — Wetlands ruling could open more area for development, Houston Chron, 9/5/2015

<http://www.houstonchronicle.com/news/houston-texas/houston/article/Wetlands-ruling-could-open-more-area-for-6487460.php>

A federal judge has ruled that environmental regulators erred by trying to block a home builder from filling in wetlands in Montgomery County - a decision that could open more areas of greater Houston to development. In a scathing, eight-page opinion issued last week, U.S. District Judge Lynn Hughes in Houston wrote that the Environmental Protection Agency went beyond its authority and acted in bad faith while trying stop Thomas Lipar from building homes on his marshy property near The Woodlands.

11 — What went wrong? Why EPA delayed notification after mine spill, Cortez Journal, 9/7/2015

<http://www.cortezjournal.com/article/20150907/NEWS01/150909904/What-went-wrong?-Why-EPA-delayed-notification-after-mine-spill>

Something caught San Juan Sheriff Bruce Conrad's eye on Aug. 5 that compelled him to pull off on the side of County Road 110. He looked to the right, and there was Cement Creek as he knew it, murky and meandering. He then looked over his other shoulder and couldn't believe what he saw.

12 — Public hearing set on coal export terminal in Plaquemines, Times Picayune, 9/7/2015

http://blog.nola.com/westbank/2015/09/public_hearing_set_on_coal_exp.html#incart_river

The Louisiana Department of Natural Resources will hold a public hearing on a proposed coal export terminal in Plaquemines Parish. The meeting is Sept. 17 at 6 p.m. at Belle Chasse Auditorium, La. 23. Lanier & Associates Engineers of Baton Rouge filed the application for the terminal May 29 on behalf of RAM Terminals.

13 Are we shifting to fewer, weaker Atlantic hurricanes?, Times Picayune, 9/7/2015

http://www.nola.com/hurricane/index.ssf/2015/09/atlantic_hurricanes_fewer_weak.html

A new but controversial study asks if an end is coming to the busy Atlantic hurricane seasons of recent decades. The Atlantic looks like it is entering in to a new quieter cycle of storm activity, like in the 1970s and 1980s, two prominent hurricane researchers wrote Monday in the journal Nature Geoscience.

14 Businesses Sue EPA Over Clean Water Rule, Ed Williams, KUMN, 9/4/2015

<http://kunm.org/post/businesses-sue-epa-over-clean-water-rule>

A coalition of businesses in New Mexico and Arizona are suing the Environmental Protection Agency over a recent rule extending clean water protections across the country. The EPA says regulating more streams and tributaries under the Clean Water Act will protect drinking water supplies and safeguard public health. Environmental groups have applauded the rule, but some industries say complying with the law would be too expensive.

15 National lab reports violations of hazardous waste permit, AP N.M., 7/5/2015

<http://bigstory.ap.org/article/fe54f313898849ad92261e98d50e8dd8/national-lab-reports-violations-hazardous-waste-permit>

An extensive review at one of the nation's premier federal laboratories has turned up violations in how the lab handled hundreds of containers of radioactive waste over the past decade. The latest revelations are on top of the permit violations Los Alamos National Laboratory first reported last year in the wake of a radiation release at the federal government's underground nuclear waste dump in southern New Mexico.

16 EPA Water Rule Applies to Texas After All, Texas Tribune, 9/4/2015

<http://www.texastribune.org/2015/09/04/epa-water-rule-applies-texas-after-all/>

The Obama administration's controversial new clean water regulations apply in Texas after all. Clarifying an injunction he issued last week, a federal judge in North Dakota says he blocked the federal Waters of the U.S. rule — aimed at better defining the scope of bodies of water protected under the federal Clean Water Act — from taking effect in only 13 states suing in his court.

17 States rarely punish companies for oil wastewater spills, Tulsa World, 9/8/2015

http://www.tulsaworld.com/business/energy/states-rarely-punish-companies-for-oil-wastewater-spills/article_eebe2e1e-8ad5-5174-9795-da35e4cf517d.html

In April 2013, a malfunctioning oil well in the countryside north of Oklahoma City caused storage tanks to overflow, sending 42,000 gallons of briny wastewater hurtling over a dike, across a wheat field and into a farm pond. State regulators ordered the oil company to clean up as much of the spill as possible and repair the site. But they didn't impose fines or other punishment against Moore Petroleum Investment Corp., a tiny company in Norman that operates only a few wells.

18 Big cities scramble to be prepared for an oil train disaster, Tulsa World, 9/6/2015

http://www.tulsaworld.com/business/energy/big-cities-scramble-to-be-prepared-for-an-oil-train/article_72497773-7ef8-58b7-9a4d-e33f0abded56.html

They rumble past schools, homes and businesses in dozens of cities around the country — 100-car trains loaded with crude oil from the Upper Midwest. While railroads have long carried hazardous materials through congested urban areas, cities are now scrambling to formulate emergency plans and to train firefighters amid the latest safety threat: a fiftyfold increase in crude shipments that critics say has put millions of people living or working near the tracks at heightened risk of derailment, fire and explosion.

19 Baton Rouge to launch carpooling program, website later this month, Advocate, 9/7/2015

<http://theadvocate.com/news/13331473-123/baton-rouge-to-launch-carpooling>

Baton Rouge drivers are often trapped in bumper-to-bumper traffic, but that hasn't made carpooling an attractive alternative for the vast majority of commuters. The Capital Region Planning Commission would like to see that change, not only to help relieve the Baton Rouge area's oppressive traffic congestion, but also to reduce a source of pollutants that contribute to the formation of ozone.

20 Medical conditions upgraded for burn victims in Renewable Energy Group plant explosion, Advocate, 9/6/2015

<http://theadvocate.com/news/13356335-123/report-four-injured-in-overnight>

A once financially troubled biofuels plant in Ascension Parish still recovering from an April blast again exploded and caught fire late Thursday, injuring four workers and temporarily forcing highway closures and workers in at least one other plant to shelter in place, authorities said. The explosion at the Renewable Energy Group plant about 11 p.m. Thursday was sparked from a hydrogen line undergoing maintenance, parish sheriff's deputies said.

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Medical conditions upgraded for burn victims in Renewable Energy Group plant explosion



BY DAVID J. MITCHELL | DMITCHELL@THEADVOCATE.COM ([MAILTO:DMITCHELL%40THEADVOCATE.COM?SUBJECT=](mailto:DMITCHELL%40THEADVOCATE.COM?SUBJECT=))



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Victims — At 4:45 a.m. Sunday, two victims are now in good conditions, and one is in serious condition, according to a Baton Rouge General spokesperson.

explosion & body = Check

Update, 9:40 a.m. Saturday: One of the three victims remains in critical condition while another is in serious condition, according to a Baton Rouge General spokesperson. The third victim is listed in good condition.

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GEISMAR—A once financially troubled biofuels plant in Ascension Parish still recovering from an April blast plant exploded and from fire late Thursday, injuring four workers and temporarily forcing highway closures and workers in at least one other plant to shelter in place, authorities said.

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The explosion at the Renewable Energy Group plant about 11 p.m. Thursday was sparked from a hydrogen line undergoing maintenance, parish sheriffs deputies said.

The April 2 fire also involved equipment that had undergone maintenance and was being restarted. Two workers (<http://theadvocate.com/news/12009413-125/fire-reported-at-renewable-energy>) were injured in that fire.

The latest fire at the REG plant off La. 30 in the heart of Ascension's Geismar industrial complex took five hours to extinguish completely and included among the injured Nick Matassa, who deputies said was badly burned. He is the son of Kenny Matassa, a Gonzales city councilman, longtime parish government employee and candidate this fall for parish president. Other injured workers have not been identified.

The U.S. Occupational Safety and Health Administration opened an investigation into the latest blast and an investigator was on scene Friday, Juan Rodriguez, an agency spokesman in Dallas, said in an email.

Production at the REG Geismar LLC plant had only restarted in October after a two-year hiatus. The complex's former joint partners had idled the facility on standby in fall 2012 and never restarted production but sold out to REG of Ames, Iowa, in mid-2014.

REG describes itself as a leading advanced biofuels producer and developer of renewable chemicals, with 10 other active biorefineries across the country.

But production stopped again at the Geismar complex, REG's largest, less than six months later after the April fire. According to financial filings, REG was still trying to repair the \$11 million in damage that resulted from the April 2 fire (<http://theadvocate.com/news/12300646-123/as-i-was-running-to>) when the latest blast happened.

"They were in process of restarting," said Rick Webre, director of the parish Office of Homeland Security and Emergency Preparedness.

Officials at Baton Rouge General Medical Center said later Friday morning that while one worker was discharged already and one is good condition, the two others are in critical condition and serious condition.

Roy Fletcher, Kenny Matassa's campaign consultant, said Matassa's son had gone through surgery, but Fletcher said he did not know much else and had not inquired further Friday afternoon.

"The family's dealing with a real disaster here, but all we can do is pray," Fletcher said.

An attempt to reach Councilman Matassa was unsuccessful Friday, but a post appeared on his Facebook page Friday evening asking for privacy and prayers until more can be learned.

"We are extremely blessed to have so many people concerned for our son. We are grateful to God for each and everyone of you," the post says.

Nick Matassa's injuries hit particularly close to home in local government circles. Besides his years on the City Council, Kenny Matassa is a personal friend of Parish President Tommy Martinez, while Parish Councilman Randy Clouatre works as a maintenance manager at REG Geismar.

Clouatre could not be reached for comment Friday.

Ascension Parish sheriff's deputies said Friday that investigators have determined the line under maintenance had become pressurized with hydrogen, a highly flammable gas. An unidentified source ignited the gas as it was released from the line.

Calls to 911 Thursday night reported that the high-pressure line had exploded, deputies said in a news release. REG officials said firefighters were able to put the fire out by 4:20 a.m.

Nick Matassa and the other injured workers were extracted from the plant and taken to Baton Rouge General Medical Center or St. Elizabeth Hospital, deputies said.

Those initially taken to St. Elizabeth were later transported to Baton Rouge General's Regional Burn Center, said Meghan Parrish, the hospital's spokeswoman.

The fire prompted roadblocks for a time Friday morning on roads near the plant. Additional protective measures included a shelter in place order at the nearby Rubicon facility and an order to cease all rail traffic in the area, deputies said.

The April fire started after a seal on a hydraulic pump failed while it was being put through startup procedures.

According to a State Police report released in May, the pump had just undergone regular maintenance.

Workers near the pump told authorities that they had heard a noise, possibly a hissing sound, moments before the pump caught fire and a fireball exploded from the equipment.

That fire also took about five hours to extinguish, State Police reported.

The Geismar facility, which can produce up to 75 million gallons per year of synthetic fuel, is the first to use REG's proprietary technology. Trademarked as Bio-Synfining, the process turns a wide range of feedstocks, such as animal fat, inedible corn oil, used cooking oil and vegetable oils, into renewable fuel, the company said late last year.

In addition to biodiesel, the Geismar facility makes renewable naphtha and liquefied petroleum gas, the company has said.

Once known as Dynamic Fuels LLC, a joint venture of Syntroleum Corp. and Tyson Foods of Springdale, Arkansas, the \$160 million biodiesel facility opened in 2010 with the help of \$30 million in state tax breaks.

By October 2012, Dynamic Fuels was idled, though the plant had delivered 450,000 gallons of biodiesel to the U.S. Navy. The complex was left on standby for two years at a cost of \$1 million per month.

In 2013, a financial analyst called Syntroleum "snake-bit" in connection with the plant as the company announced it was considering a possible sale of its stake. The company had previously cited mechanical issues, hydrogen supply disruptions and higher-than-expected operational costs with the plant.

Syntroleum, which was low on cash at the time, was staring at \$10 million for its share of the costs to restart the plant, analysts said at the time.

REG bought out both partners in back-to-back deals (<http://theadvocate.com/home/9354588-125/renewable-energy-group-acquires-syntroleum>) in May and June of 2014 for up to \$105 million combined.

REG then announced (<http://theadvocate.com/news/9904915-123/geismar-biofuel-plant-getting-15>) it would spend \$15 million on upgrades and restarted production in October. At the time of a grand opening ceremony (<http://regi.com/news/2014/11/19/renewable-energy-group-celebrates-geismar-plant-grand-opening-ribbon-cutting>) in mid-November, the company said the plant employed 45 full-time employees and 30 contract maintenance workers.

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Taylor Swift Finally Reveals Her Outrageous Home (Photos)

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These Rarely Seen Historical Photos are Pretty Unnerving

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MORE FROM THE ADVOCATE

- Dress down day for domestic violence awareness (http://theadvocate.com/news/ascension/13239997-123/dress-down-day-for-domestic)
- Coast Guard officer gets life without parole for rape of child in Ascension Parish; molestation began when child was 6 (http://theadvocate.com/news/ascension/13271260-123/ascension-parish-man-gets-life)
- Trial begins in death of Livingston Parish woman: 'He hit her again and again and again and she was beaten to death' (http://theadvocate.com/news/13333395-123/trial-begins-in-death-of)
- In small town known as speed trap, police chief says mayor pushes for still more tickets (http://theadvocate.com/news/13237327-123/in-town-dubbed-a-speed)
- Pedestrian struck by 18-wheeler, killed Thursday on I-12 in what police call a suicide (http://theadvocate.com/news/13349084-123/pedestrian-struck-by-18-wheeler-killed)

MORE FROM OUR PARTNERS

- Kate Middleton Drops Jaws, Proving Prince William Is A Lucky Man (Livingly) (http://www.livingly.com/Stylish+Celebrity+Couples+&utm_source=outb&utm_medium=cpc&utm_campaign=LV-US-Desktop-Specials-Stylish-Kate-William)
- Drivers Feel Stupid For Not Knowing This New Rule (ImproveInsurance.com) (http://click.gospect.com/d5cd3727-43dd-4733-9aa4-fd34c9f26402?ad=ad102)
- Why Aren't Gas Tank Doors on the Same Side for all Cars? (Allstate) (http://blog.allstate.com/gas-tanks-arent-fuel-doors-side/?cid=CSY-PB-ZM-PA-outbrain_com:Why-Arent-Gas-Tank-Fuel-Doors-on-the-Same-Side-for-all-Cars&_z1_msid=outbrain&_z1_adgid=233)
- DNA Testing Solves Mystery of Young Girl Who Disappeared on Titanic (Ancestry) (http://www.ancestry.com/s59263/t29706/rd.ashx)
- Brawl erupts at Walt Disney World (Fox News) (http://www.foxnews.com/travel/2015/07/28/massive-brawl-erupts-at-walt-disney-world/?intcmp=sem_outloud)

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MORE INFORMATION

Baton Rouge to launch carpooling program, website later this month

Geaux Ride matches office commuters

By AMY WOLD

awold@theadvocate.com

Baton Rouge drivers are often trapped in bumper-to-bumper traffic, but that hasn't made carpooling an attractive alternative for the vast majority of commuters.

The Capital Region Planning Commission would like to see that change, not only to help relieve the Baton Rouge area's oppressive traffic congestion, but also to reduce a source of pollutants that contribute to the formation of ozone. With the U.S. Environmental Protection Agency set to come out with tougher ozone air pollution standards soon, getting more cars off the road can only help the Baton Rouge five-parish area meet whatever new standard is announced.

The commission, along with other partners, will unveil this month a new Web-based [carpooling](#) site to match commuters who have similar schedules, interests and workplaces. Signup is free, and information will be kept secure until an individual wants to share something with a potential fellow carpooler.

A public information [kickoff](#) for the program will be held from 11 a.m. to 2 p.m. on Sept. 16 at Town Square along North Boulevard in downtown Baton Rouge. There will be information about the program, along with a free jambalaya lunch on a first-come, first-served basis. If it rains, the event will be held at the state Department of Environmental Quality in the Oliver Pollock Room, 602 N. 5th St.

A soft launch of the [Geaux Ride](#) website was released about a month ago for employees of several state agencies, including DEQ, the Department of Natural Resources and the Department of Transportation and Development, since they all have a large presence downtown, said Jamie Setze, Capital Region Planning Commission executive director.

So far, about 150 people have signed up, but not many have logged their carpooling trips so it's hard to say how often it's been used, explained Ravi Ponnappureddy, commission's director of transportation.

Other cities that have had success with carpooling programs have offered small

incentives that reward the highest number of miles, or most trips taken, with rewards like free coffee or better parking spots. It not only encourages participation, but it also gets people to fill out the trip information on the website, vital data for state planners to figure out what's working.

In cities where the program hasn't taken off, experts attribute part of the problem to a lack of marketing and incentives offered to get people to change their driving habits.

The Baton Rouge program is trying to be proactive in promoting the program.

"The next step we're working on is offering incentives," Ponnappureddy said. Even with cash-strapped state agencies, something as simple as a coveted parking space could make a difference. State offices are currently working out what those incentives will include.

One sticking point for some participants is what happens if they carpool to work, but something unexpected happens — like a sick child needing a pickup from school — and they have to go home early, said Kim Marousek, director of planning with the commission. Being able to offer a "guaranteed ride home" is a necessity for any program that is going to work.

Some larger industries might even be able and willing to provide that resource for employees once they see how much of a difference it makes in participation, she said.

Setze said ride-hailing company Uber has agreed to give users one free ride home as the program gets underway, and the planning commission will continue talking with the organization and looking at other options to make a ride home part of the program.

Interest in carpooling has declined nationwide since the 1980s, which effectively means there are more cars on the road.

According to the Census Bureau 2009-2013 five-year estimates, almost 82 percent of East Baton Rouge Parish workers get to work on their own, while 10 percent carpool.

That reflects a national trend since the oil crisis of the 1970s lifted, people increasingly moved away from the carpools that were a necessity at that time. Between 1980 and 2010, the percentage of Americans who carpool dropped from 19 percent to 9 percent. Gas prices have had an impact, but it's also about people's lifestyles, Setze said.

In 1980 there were many more families that had one parent going to work while the other stayed home with children. With both parents working, as is more typical now in two-parent families, errands like grocery shopping are piggybacked onto the drive home — making carpooling less attractive to some.

The program will underscore that people who carpool can realize cost savings by leaving their vehicle home even a couple days a week. But in addition to personal benefits, it also sells larger regional benefits in terms of air quality.

“Every two people who carpool together, you’re taking a car off the road,” said Vivian Aucoin, senior environmental scientist with DEQ’s air permits division. “So you’re going to take that added pollution out of the air.”

Although the entire state meets current federal regulations for ozone pollution, the U.S. Environmental Protection Agency is expected to release tougher standards in the next two months that could put some areas, including Baton Rouge, out of compliance.

Getting more people into fewer cars can only help the ozone-causing pollution in the Baton Rouge area, but only time will tell if people embrace ride-sharing after decades of going it alone.

“I really believe it’s going to be your 20-year-olds and 30-year-olds who will make this work,” she said.

Follow Amy Wold on Twitter, @awold10.

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Big cities scramble to be prepared for an oil train disaster

By MICHAEL RUBINKAM & GEOFF MULVIHILL Associated Press | Posted: Sunday, September 6, 2015 12:00 am

PHILADELPHIA — They rumble past schools, homes and businesses in dozens of cities around the country — 100-car trains loaded with crude oil from the Upper Midwest.

While railroads have long carried hazardous materials through congested urban areas, cities are now scrambling to formulate emergency plans and to train firefighters amid the latest safety threat: a fiftyfold increase in crude shipments that critics say has put millions of people living or working near the tracks at heightened risk of derailment, fire and explosion.

After a series of fiery crashes, The Associated Press conducted a survey of nearly a dozen big cities that, collectively, see thousands of tank cars each week, revealing a patchwork of preparedness. Some have plans specifically for oil trains; others do not. Some fire departments have trained for an oil-train disaster; others say they're planning on it. Some cities are sitting on huge quantities of fire-suppressing foam, others report much smaller stockpiles.

The AP surveyed emergency management departments in Chicago; Philadelphia; Seattle; Cleveland; Minneapolis; Milwaukee; Pittsburgh; New Orleans; Sacramento, California; Newark, New Jersey; and Buffalo, New York. The responses show emergency planning remains a work in progress even as crude has become one of the nation's most common hazardous materials transported by rail. Railroads carried some 500,000 carloads last year, up from 9,500 in 2008.

"There could be a huge loss of life if we have a derailment, spill and fire next to a heavily populated area or event," said Wayne Senter, executive director of the Washington state association of fire chiefs.

"That's what keeps us up at night."

The oil comes from North Dakota's prolific Bakken Shale, an underground rock formation where



Big cities scramble to be prepared for an oil train disaster

A woman pushes a stroller past train tank cars carrying petroleum crude oil on the tracks in Philadelphia. MATT ROURKE/Associated Press

fracking and horizontal drilling have allowed energy companies to tap previously inaccessible reserves.

The production boom has made oil trains a daily fact of life in places like Philadelphia, where they roll past hospitals, including one for children. In Seattle, they snake by stadiums used by the Seahawks and Mariners before entering a 110-year-old tunnel under downtown. In Chicago, they're a stone's throw from large apartment buildings, a busy expressway and the White Sox's ballpark.

Before the rise of shale oil and the ethanol industry, hazardous materials were typically shipped in just a handful of cars in trains that hauled a variety of products. But the trains now passing through cities consist entirely of tank cars filled with flammable crude. These so-called unit trains offer increased efficiency but magnify the risk that hazardous materials will be involved in a derailment.

That has led some residents and emergency management experts to worry it's just a matter of time before a catastrophic derailment in a city, where, according to a 2014 U.S. Department of Transportation analysis, a severe accident could kill more than 200 people and cause \$6 billion in damage.

Two summers ago, an oil-train derailment, explosion and fire showed the power of such a disaster in even a small town, when part of Lac-Megantic, Quebec, was leveled and 47 people died. There have been at least six oil-train derailments in lightly populated areas of the U.S. and Canada so far this year, most resulting in fires but none in deaths.

With several trains rumbling past his Chicago home each day, Tony Phillips is keenly aware of the threat.

"If it happened here, we would be toast," said the 77-year-old painter, who lives with his wife in a converted 19th-century factory in the Pilsen neighborhood that shudders when one of the mile-long trains rattles past.

Phillips knows the chances of a crash right outside his bedroom window are remote. Nevertheless, when he hears the trains go by, "it gives me a little shiver," he said. "It's like a ghost coming along with this tremendous potential for destruction."

Cities have responded with varying levels of urgency. Milwaukee provided basic training to more than 800 firefighters and sent its hazmat team to Colorado for advanced training. Pittsburgh has not yet had training exercises and its emergency plan is incomplete.

On the federal level, new rules aim to reduce the chances of a catastrophic derailment by lowering speed limits in cities, ordering railroads to install electronic braking systems and requiring a phase-in of stronger tank cars beginning in 2018.

The oil industry has challenged some rules in court while critics say the standards don't go far enough, lamenting that tens of thousands of older, rupture-prone tank cars will remain on the tracks for years

to come.

Some residents and activists also complain about a lack of transparency from the railroads, which have fought to keep details about oil-train routing and frequency from the public, citing competitive and security concerns. The federal government agreed in May to end its requirement that railroads notify states about large shipments of crude, but quickly reversed course amid a public backlash.

The rail industry says it shares the information with those who need it — local first responders.

And, by and large, cities told the AP they work closely with railroads on emergency preparedness, getting information on cargoes and routing, and taking part in tabletop simulations and live training exercises.

Thousands of firefighters have traveled on the industry's dime to an Association of American Railroads training facility near Pueblo, Colorado, where tank cars are set ablaze for practice. Thousands more practice diagnosing leaking tank cars at free hazardous materials workshops the industry holds around the country.

"Our industry has recognized the concern that's been expressed about moving this product. We've been doing increased operational reviews, we've slowed down our trains, we've increased track safety technology and track inspections, as well as really stepping up preparedness and training with first responders," said Ed Greenberg, spokesman for the railroad association.

Overall, the industry's safety record has improved. Freight-train derailments have been cut nearly in half since 2004, with the number falling to 1,210 last year from 2,350 a decade earlier, according to federal statistics.

"The industry does not want derailments," said National Transportation Safety Board Chairman Christopher Hart. "That's the bottom line."

But fiery crashes involving oil trains has heightened concern. Politicians and activists from Minnesota to New Jersey are calling for the trains to be rerouted away from densely populated areas. Activists in Philadelphia question whether the city has adequately communicated its evacuation plans with residents who would have to leave quickly after an accident.

Jessica Nixon said she never would have bought her south Philadelphia rowhouse had she known oil trains would rumble past at all hours of the day and night. She's thought about moving, but "how would I sell my house?"

"I am concerned for my own safety, as well as my neighbors'," said Nixon, 30, who lives three doors down from a 1.2-mile-long railroad bridge and chatted with a reporter as an oil train chugged by.

Not far from Nixon's home lies a massive oil refinery that has turned Philadelphia into one of the nation's top destinations for North Dakota crude. The trains taking it there come within feet of

downtown office buildings and fancy condominium complexes, as well as rowhouse neighborhoods, schools, parks and small businesses. They run parallel to the Schuylkill River, which supplies half the city's drinking water.

Hundreds of thousands of people live within the half-mile evacuation zone that federal officials recommend if there's a catastrophic derailment. The city has avoided disaster, but a January 2014 derailment on a bridge — in which six cars filled with crude leaned precariously over the Schuylkill — highlighted the risk.

"I am confident in our ability to handle a big disaster, but I do not dismiss that a major crude oil accident could be quite destructive," Samantha Phillips, Philadelphia's director of emergency management, said in an email.

That's because if an oil train derails, ruptures and explodes, much of the damage is already done before emergency responders even get the call, noted Donald Kunkle, executive director of the Pennsylvania Fire & Emergency Services Institute.

"If you have a catastrophic failure of a tank car in an urban area," he said, "it's going to be a difficult day no matter how effective the fire response is."

States rarely punish companies for oil wastewater spills

By JOHN FLESHER Associated Press | Posted: Tuesday, September 8, 2015 12:00 am

OKLAHOMA CITY — In April 2013, a malfunctioning oil well in the countryside north of Oklahoma City caused storage tanks to overflow, sending 42,000 gallons of briny wastewater hurtling over a dike, across a wheat field and into a farm pond.

State regulators ordered the oil company to clean up as much of the spill as possible and repair the site. But they didn't impose fines or other punishment against Moore Petroleum Investment Corp., a tiny company in Norman that operates only a few wells.

Regardless of the damage done, the no-penalty policy is standard practice across the country after oilfield wastewater accidents by companies of all sizes. Spills by the tens of thousands have denuded farm and ranch lands and polluted waters in oil-producing areas for decades, yet only a small minority resulted in discipline. Regulators' approach toward oil spills is largely the same.

"We certainly believe there's a time and a place for that hammer, but we want to be very judicious in its use," said Matt Skinner, spokesman for the Oklahoma Corporation Commission, which oversees the industry in that state. Moore Petroleum promptly arranged cleanup of its spill, which was accidental, he said.

Environmental activists and groups representing landowners contend the lack of punishment helps explain why the industry hasn't done more to prevent spills, and shows regulators' deference to oil and gas producers.

"It's almost a coddling relationship," said Jill Morrison of the Powder River Basin Resource Council, an environmental advocacy group in Wyoming, adding that it takes large court judgments or settlements for companies to mend their ways.

Most states don't keep statistics on wastewater discharges that brought fines. Regulators said their top priority is getting companies to clean up the spills and restore the land. A punitive approach could inspire delays and even lawsuits, they said.

"Here's a farmer who's got his land polluted and needs it back in production, and you're busy fighting tooth and jowl in court," Skinner said.

The drilling boom has vastly increased the agencies' oversight challenge. Oklahoma has 67 field inspectors and other personnel to keep watch over roughly 185,000 active wells, and the Oil and Gas Division took a budget cut this year. State regulators rely on companies or landowners to notify them

about wastewater spills. Without industry cooperation, more likely would go unreported, officials said.

When regulators crack down, the case usually involves gross negligence or deliberate action.

Williams Production Co. of Tulsa had a series of wastewater releases from coal-bed methane gas production between 2006 and 2010 in Wyoming's Powder River Basin that eroded rangeland and polluted surface waters. At least 11 spills happened on one ranch in less than a year. The state Department of Environmental Quality fined the company \$60,000. However, the agency assessed nothing against its successor company, WPX Energy, for several more recent spills exceeding 1 million gallons that resulted from bad weather or human error.

Company spokesman Kelly Swan said the later spills accounted for less than one-tenth of 1 percent of the wastewater generated in those operations. The oil and gas regulatory agency in Texas, the state Railroad Commission, emphasizes helping violators get into compliance, said spokeswoman Ramona Nye. Fines are levied as a last resort.

In the 2014 fiscal year, only about 3 percent of 62,385 oil and gas rule violations discovered during inspections, such as oil and wastewater spills and inadequate sign postings, were referred for enforcement action, according to one state report.

"Protecting public safety and our natural resources is the commission's highest priority," Nye said.

The state's Sunset Advisory Commission, a legislative oversight panel, has called for taking a harder line to provide more deterrence of spills and other oilfield violations.

Some of the loudest complaints of lax enforcement are raised in North Dakota, which ranks second to Texas in oil production.

In Bottineau County on the Canada border, grain farmer Darwin Peterson still fumes over a 2011 spill that polluted 24 acres of cropland and 10 ponds. No penalty has been levied, although regulators said a settlement is being negotiated as the responsible company, Petro Harvester Oil & Gas LLC, treats damaged soil.

"You get so frustrated, it makes me upset just talking about it," Peterson said.

Lynn Helms, director of the state Department of Mineral Resources, said his policy of avoiding penalties encourages better company behavior. When his office does propose fines, they are usually suspended before full payment, which Helms likened to putting the offender on probation.

"We can hold a large suspended penalty over their heads for one to five years and they agree to pay immediately with no court process if they violate again," he said. "We don't see much recidivism this way."

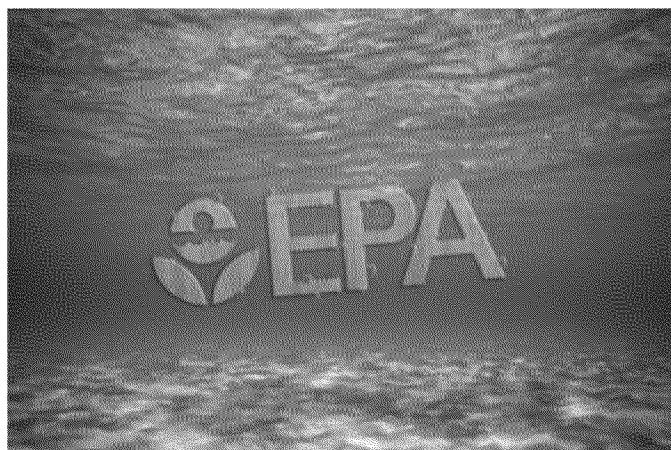
Since early 2013, the agency has proposed \$2,575,000 in fines but collected only \$203,112.


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THE TEXAS TRIBUNE

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by Jim Malewitz | Sept. 4, 2015 | 7 Comments


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Order Limiting Scope of Water Rule Injunction
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administration's controversial new clean water regulations apply in Texas after all.

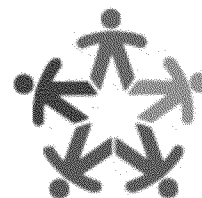
Clarifying an injunction he issued last week, a federal judge in North Dakota says he blocked the federal Waters of the U.S. rule — aimed at better defining the scope of bodies of water protected under the federal Clean Water Act — from taking effect in only 13 states suing in his court.

Editor's note:
 This story has been updated to include comment from Attorney General Ken Paxton.

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Texas is not one of them.

It's a setback for Attorney General Ken Paxton, who cheered the injunction last week, arguing that it applied nationwide.

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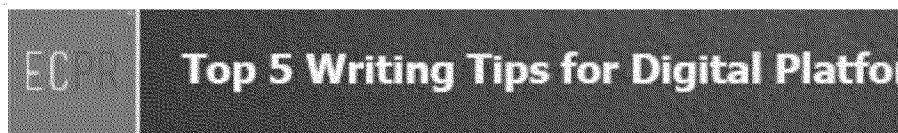
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"We will continue to fight the EPA's blatant overreach in our own case and will work to protect the state and private property owners from this latest and potentially most invasive attempt by the Obama administration to control our lives and livelihoods," Paxton said in a statement Friday.

Friday's ruling from U.S. District Judge Ralph Erickson clears up one muddy legal question about the rule, which allows the federal government to regulate small streams and wetlands.

The confusion started Thursday of last week. Hours before the regulation was set to take effect, Erickson granted a request from a group of 13 states to block it, ruling that "the risk of irreparable harm to the states is both imminent and likely" if the regulation took effect as a legal challenge winds through the courts.

Ranchers, property rights advocates and Republican critics of the Obama administration proclaimed victory, with Paxton saying the ruling prevented "a dangerous and ill-conceived set of regulations from taking effect."

But the EPA said it would still enforce the regulation in the 37 states not named in that suit.

Paxton disagreed. "The injunction applies nationwide and therefore the rule is not enforceable in Texas," the Republican said last week.

On Friday, Erickson put that claim to rest. Though he had the power to extend his decision nationwide, he wrote in an order, he chose not to do so.

"Because there are competing sovereign interests and competing judicial rulings, the court declines to extend the preliminary injunction at issue beyond the entities actually before it," Erickson wrote.

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Texas and other states have also sued over the rule, which the farm lobby and Republicans paint as an attack on private property rights. The Texas suit — filed along with Louisiana and Mississippi — has been on hold since mid-August. A district judge granted a stay in the case, pending a ruling on whether the EPA can consolidate the lawsuits it faces.

“We’re happy to see that the federal court in North Dakota has confirmed what we already knew: the Waters of the U.S. rule is in full effect in Texas,” Sara Smith, an attorney with the group Environment Texas, said Friday in a statement. “This means loopholes in the Clean Water Act that threatened more than 143,000 miles of Texas’ streams and the drinking water for 11.5 million Texans are finally closed.”

The 13 states exempt from the rule are: Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota and Wyoming.

The EPA rule has sparked loud protests and plenty of questions.

Much of the concern stems from a dispute over whether or not it actually enlarges the EPA's jurisdiction. The 1972 federal Clean Water Act made it illegal to pollute "navigable waters of the United States." The rule is supposed to clarify what could be defined as a "navigable water."

The EPA always believed its jurisdiction stretched beyond traditional navigable waters, like rivers and seas, to the smaller bodies of water and wetlands that can affect them, but it didn't have a strong legal basis to prove it. The updated definition clarifies this authority, leaving ranchers and industry officials to wonder whether they will have to check with the government before using their own land.

According to the EPA, their purview only includes 60 percent of all streams — plus millions of acres of wetlands — and it barely expands the agency's jurisdiction. Paxton has countered the change means "virtually every river, stream and creek in the U.S. will come under the oversight of bureaucrats from the EPA."

Disclosure: Environment Texas was a corporate sponsor of The Texas Tribune in 2013. A complete list of Tribune donors and sponsors can be viewed [here](#).

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National lab reports violations of hazardous waste permit

By SUSAN MONTOYA BRYAN (/content/susan-montoya-bryan)

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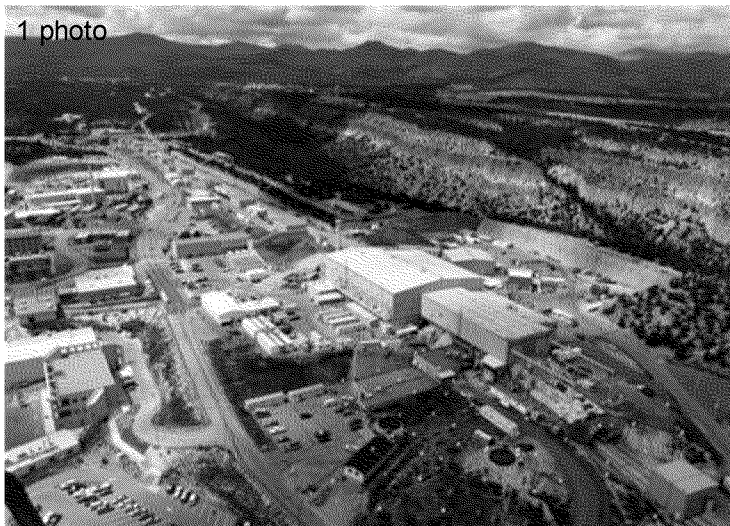
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ALBUQUERQUE, N.M. (AP) — An extensive review at one of the nation's premier federal laboratories has turned up violations in how the lab handled hundreds of containers of radioactive waste over the past decade.

The latest revelations are on top of the permit violations Los Alamos National Laboratory first reported last year in the wake of a radiation release at the federal government's underground nuclear waste dump in southern New Mexico.

That release was caused by a container that had been inappropriately packed at Los Alamos. The incident forced the indefinite closure of the repository, leaving in limbo the cleanup of decades' worth of plutonium-contaminated waste at defense sites around the country. The price tag for resuming operations at the Waste Isolation Pilot Plant is expected to top a half-billion dollars.

The lab reviewed more than 200 variations of the procedures that have been used between October 2005 and May 2014 to decontaminate about 10,000 containers of waste. The review

found that some of the same procedural missteps made with the drum that leaked radiation were also made when handling more than 1,000 other containers.

But Lab Director Charlie McMillan and U.S. Department of Energy Los Alamos Field Office Manager Kimberly Davis Lebak said in a letter sent this week to the New Mexico Environment Department that the containers highlighted in the latest review were different than the drum that leaked radiation.

"Our staffs have completed a technical evaluation of these non-compliances and concluded that they do not present a credible safety concern to workers or the public and do not pose a threat to human health or the environment," they wrote.

Still, the lab's lack of compliance is a big concern for the state Environment Department, which oversees a permit that allows Los Alamos to handle hazardous waste. "The one thing I can say is we're going to continue to hold their feet to the fire on this," said Kathryn Roberts, director of the department's Resource Protection Division.

The corrective action Los Alamos is taking to address the problems related to the waste stream that resulted in the radiation leak will also cover the latest violations, Roberts said.

"It's going to address all those fundamental problems that stem from those procedures that were deficient in a lot of ways," she said. "Those are still going to be revised and we're going to have new processes in place and we're going to scrutinize those very, very closely."

The lab first notified the state of the latest violations during a meeting in July. The report released this week provides details.

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Watchdog Greg Mello of the Los Alamos Study Group pointed to the lab's history of noncompliance, saying outside observers would disagree that there are not safety or environmental concerns.

Mello said the report indicates some waste was illegally treated, some contained incompatible chemicals such as organic cat litter and some may have been mislabeled as safe to handle.

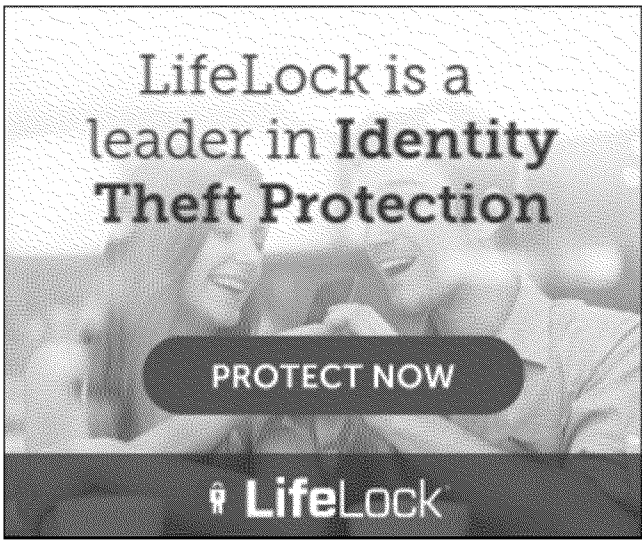
Among the containers are more than 630 stored at Los Alamos, the Waste Isolation Pilot Plant and another facility in west Texas in which mixed waste has been blended with concrete. The containers may include corrosive or ignitable materials, but officials say more tests need to be done on the contents.

The state recently settled with the federal government over the radiation release at the Waste Isolation Pilot Plant, but Mello said under the terms the state agreed not to enforce penalties against Los Alamos for compliance issues that are self-disclosed.

"This does not leave the state in a good place," he said, suggesting the contractor that runs the lab believes it is above the law.

Los Alamos lab "is too big and complicated for NMED (the New Mexico Environment Department) to regulate without a special enforcement squad," he said.

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Businesses Sue EPA Over Clean Water Rule

By [ED WILLIAMS \(/PEOPLE/ED-WILLIAMS\)](#) · SEP 4, 2015

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A coalition of businesses in New Mexico and Arizona are suing the Environmental Protection Agency over a recent rule extending clean water protections (<http://www2.epa.gov/cleanwaterrule>) across the country.

The EPA says regulating more streams and tributaries under the Clean Water Act will protect drinking water supplies and safeguard public health. Environmental groups have applauded the rule, but some industries say complying with the law would be too expensive.

Eric Layer is with the Association of Commerce and Industry (<http://www.nmaci.org/>), the group filing the suit against the EPA on behalf of area mining and agricultural businesses.

"When you look at the permitting requirements and the costs that this is going to impose on business in the state in an already struggling economy it's really disastrous," Layer said. "And we're talking about New Mexican's lives, families and the ability to provide for your family are in jeopardy."

This is the second major lawsuit filed against the clean water rule here. The state of New Mexico is also fighting the rule in court (<https://www.env.nm.gov/documents/150827PR-OGC-WOTUSVictory.pdf>), saying it's an overreach of federal authority.

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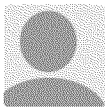
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Everything New Orleans

Are we shifting to fewer, weaker Atlantic hurricanes?

APTOPIX Dominica Tropical Weather

A boat sits in shallow water as Tropical Storm Erika passes through New Town, Dominica, Thursday, Aug. 27, 2015. (AP Photo/Carlisle Jno Baptiste) *(Carlisle Jno Baptiste)*

The Associated Press By The Associated Press
on September 07, 2015 at 10:46 AM

A new but controversial study asks if an end is coming to the busy Atlantic hurricane seasons of recent decades.

The Atlantic looks like it is entering in to a new quieter cycle of storm activity, like in the 1970s and 1980s, two prominent hurricane researchers wrote Monday in the journal Nature Geoscience.

Scientists at Colorado State University, including the professor who pioneered hurricane seasonal prognostication, say they are seeing a localized cooling and salinity level drop in the North Atlantic near Greenland. Those conditions, they theorize, change local weather and ocean patterns and form an on-again, off-again cycle in hurricane activity that they trace back to the late 1800s.

Warmer saltier produces periods of more and stronger storms followed by cooler less salty water triggering a similar period of fewer and weaker hurricanes, the scientists say. The periods last about 25 years, sometimes more, sometimes less. The busy cycle that just ended was one of the shorter ones, perhaps because it was so strong that it ran out of energy, said study lead author Phil Klotzbach.

Klotzbach said since about 2012 there's been more localized cooling in the key area and less salt, suggesting a new, quieter period. But Klotzbach said it is too soon to be certain that one has begun.

"We're just asking the question," he said.

But he said he thinks the answer is yes. He says the busy cycle started around 1995 and probably ended in 2012; in 2005 alone, Katrina, Rita and Wilma killed more than 1,500 people and caused billions of dollars of damage. The quiet cycle before that went from about 1970 to 1994 and before that it was busy from 1926 until 1969, he said.

Klotzbach doesn't take into account where a storm hits, but how strong storms are and how long they last regardless of whether they make landfall. So even though no major hurricane hit the United States in 2010, its overall activity was more than 60 percent higher than normal. And just because it's a quiet season doesn't mean a city can't be devastated, Klotzbach said. Hurricane Andrew hit South Florida in an otherwise

quiet 1992 season as a top-of-the-scale storm.

Other scientists either reject the study outright or call it premature.

"I think they're pretty much wrong about this," said MIT meteorology professor Kerry Emanuel, who also specializes in hurricane research. "That paper is not backed by a lot of evidence."

Emanuel doesn't believe in the cycle cited by the researchers or the connection to ocean temperature and salinity. He thinks the quiet period of hurricanes of the 1970s and 1980s is connected to sulfur pollution and the busy period that followed is a result of the cleaning of the air. And Jim Kossin of the National Oceanic and Atmospheric Administration said cooler water temperatures earlier this year might be due to Atlantic dust, and August temperatures there have risen.

Another NOAA scientist, Gabriel Vecchi, said while there seems to be signs of a change in the circulation of the Atlantic, it's far too early to say that the shift has happened.

"So what happens in the next few years is going to be very exciting to watch as it may help settle or at least refine some intense scientific debates," Vecchi said in an email.

Article by AP science writer Seth Borenstein

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Public hearing set on coal export terminal in Plaquemines



A coal export terminal in Plaquemines Parish, criticized by residents about concern over health issues and increased rail traffic, received a permit from the Army Corps of Engineers in November 2014.

Andrea Shaw, NOLA.com | The Times-Picayune

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By **NOLA Community Submission**
on September 07, 2015 at 10:34 AM

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The Louisiana Department of Natural Resources will hold a public hearing on a [proposed coal export terminal in Plaquemines Parish](#). The meeting is Sept. 17 at 6 p.m. at Belle Chasse Auditorium, La. 23.

Lanier & Associates Engineers of Baton Rouge filed the application for the terminal May 29 on behalf of RAM Terminals.

RAM Terminal's initial proposal called for building a plant that would process 6 million tons of coal annually on 600 acres on the Mississippi River near Myrtle Grove. Barges and railcars would transport coal from the Illinois Basin to southern Plaquemines for mixing and storage before being shipped to Europe and Asia. The project would create 150 permanent jobs and

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Although consultants studied five alternate sites, at Idlewild-Oakville, at Cedar Grove and three at Braithwaite, they deemed them not feasible. A number of factors were cited, including lack of infrastructure, presence of wetlands, distance from the river and close proximity to cultural resources.

Guests to the Sept. 17 meeting are asked to RSVP to grace.morris@sierraclub.org.



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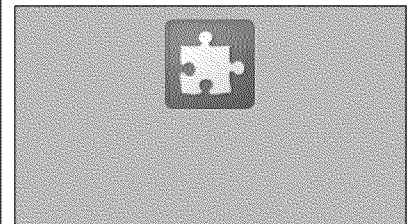
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Article published Sep 7, 2015

What went wrong? Why EPA delayed notification after mine spill

A look at why the EPA delayed notification after the Gold King Mine spill



Photo by: Courtesy of Environmental Protection Agency The Gold King Mine blowout took place at 10:51 a.m. A

By Jonathan Romeo
Herald Staff Writer

Something caught San Juan Sheriff Bruce Conrad's eye on Aug. 5 that compelled him to pull off on the side of County Road 110. He looked to the right, and there was Cement Creek as he knew it, murky and meandering. He then looked over his other shoulder and couldn't believe what he saw.

There, a raging, bright orange swell of water, carrying downed trees and debris, was headed straight for Silverton.

"I just recall feeling my head go back and forth, questioning what I was looking at," Conrad said. "I was actually not even on duty."

Conrad was the first to raise the alarm that a massive runoff was headed toward the town of Silverton. Public officials have since asked why it took the Environmental Protection Agency so

long to notify communities downstream of the mine blowout.

The newly elected sheriff had no way of knowing the EPA had set off an estimated 3 million gallons of wastewater from the Gold King Mine. His dispatch radio was silent.

It took about an hour for the orange runoff to travel from where Conrad first reported it to Silverton's northern town limits. In that time, the town's emergency response officials were able to alert residents.

"There's not much recreation in Cement Creek, but it does run right past our park. There's horseshoe pits, tennis courts, a playground," Conrad said. "We did want to make sure no one was on the edges of the creek. I don't think we overestimated the potential for injury."

When the orange mass reached town about 1 p.m., neither state nor federal officials had contacted the town of Silverton.

Nearly two hours to notify state

In the wake of the Gold King Mine spill, many questions have been asked and fingers have been pointed at the EPA, the agency tasked with remediating the Silverton Caldera, when it underestimated the pressure behind the abandoned mine, triggering the spill.

One issue the event did expose is the EPA's lack of protocols for notifying downstream communities in the event of a massive blowout – a point the agency has admitted it was not prepared for.

In a prepared statement, the federal agency said EPA personnel and contractors accidentally caused the spill at 10:51 a.m., who were then trapped without cellphone coverage or satellite radios.

It wasn't until 12:40 p.m., after a rush to find the correct personnel and reach an area with phone reception that the EPA contacted by two-way radio a state worker inspecting a mine in another area.

The EPA's protocols mandate it must first notify state agencies in the event of an emergency situation. The EPA's same statement said the Colorado Department of Public Health and Environment contacted local agencies by 1:39 p.m.

Durango Mayor Dean Brookie said that although crews should have had a satellite radio on the job site, the EPA made all the right steps. He said city officials had ample time to stop drawing water from the Animas and close down the river for recreational use before the spill waters hit Durango late that Thursday afternoon.

"There's been all this bashing of the EPA, but we knew a day and a half before it ever reached us," Brooke said. "Our emergency services were fully prepared."

28 hours for local notification

No formal public statement was issued until about 3 p.m. Thursday by the La Plata County Sheriff's Office. By that time, the Silverton Standard & the Miner and The Durango Herald had

already reported that something wasn't right upstream.

Tom Riley, who works retail sales at 4 Corners Sports, said despite the delay, he had plenty of time to pull boats off the river.

"They could have told us Wednesday, but would it of helped us? No," he said.

Liane Jollon, executive director at San Juan Basin Health Department, said local agencies delayed a public statement because of the limited information they were working on.

"When the report went out, it was a million gallons, and the belief was the material would not remain in a consolidated fashion as it reached town," she said.

The EPA didn't announce the spill was actually about 3 million gallons until a week later.

N.M. in the dark for 24 hours

Once the Animas spills into the San Juan River in New Mexico, it travels 215 miles through the Navajo Nation, with some 750 families relying on the water for irrigation and farming.

But it took the EPA 24 hours to alert the state of New Mexico and the Navajo Nation, and officials there have vowed to sue the federal agency.

New Mexico was first informed by the Southern Ute Indian Tribe about the spill 22 hours after the blowout. It was only two hours later that the EPA returned the state's many phone calls.

EPA spokesman David Gray said he spoke to New Mexico's Environment Department about the spill at midday Aug. 6, a day after it occurred. Gray, who works in the EPA's Dallas regional office, said that was shortly after he learned about it.

New Mexico is part of a Dallas-based EPA region; Colorado is part of a separate region with headquarters in Denver.

"The EPA has still not explained the reason for the delay," said Allison Majure, communications director for the New Mexico Environment Department.

New Mexico Gov. Susana Martinez said lawyers were preparing for a lawsuit if that is ultimately the decision of her office.

EPA remains silent

The federal agency has remained tight-lipped and terse as to how the agency intends to improve communications at the site. EPA spokespeople consolidated inquires from the Herald into one basic response:

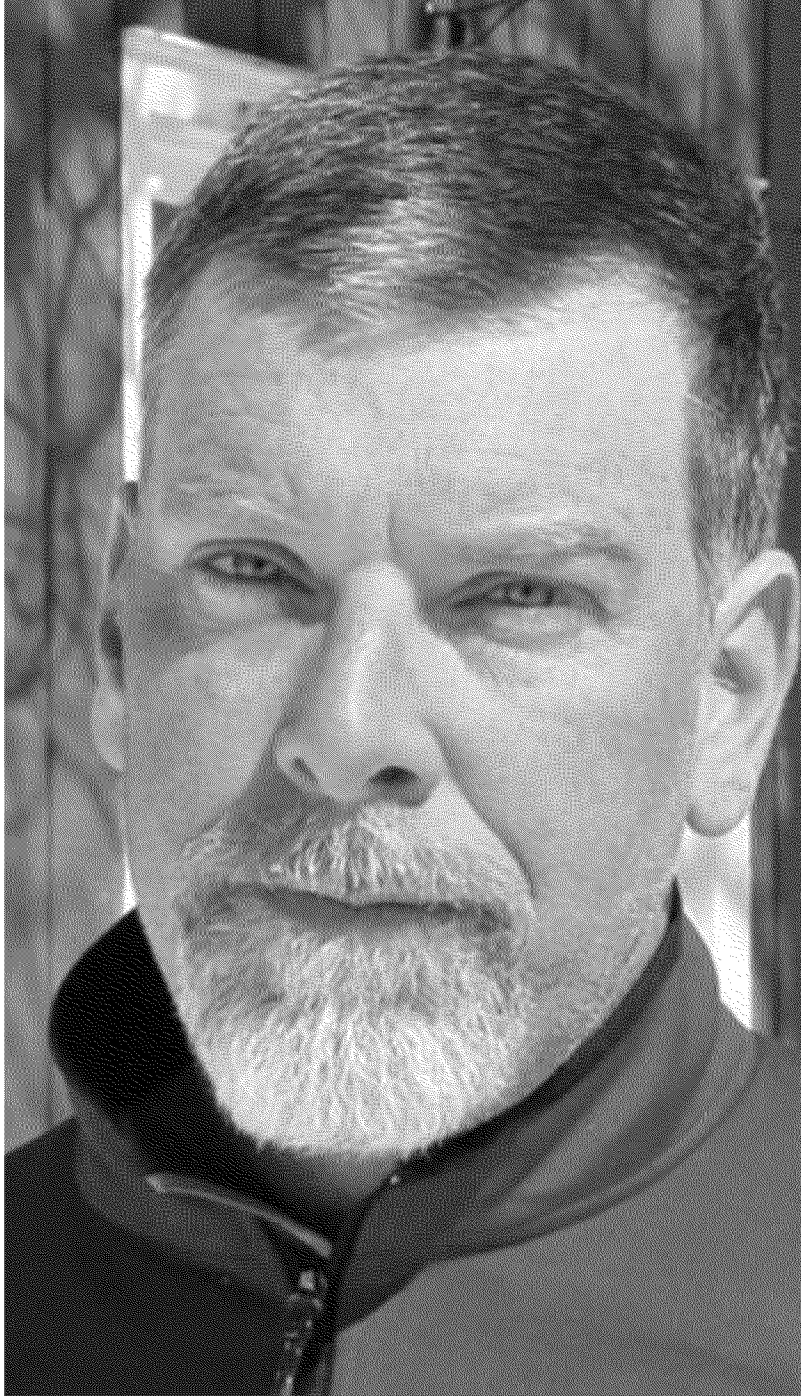
"A new Gold King Mine/Animas River Stakeholders alert and notification plan has been drafted. It is currently being reviewed by local government officials," it states.

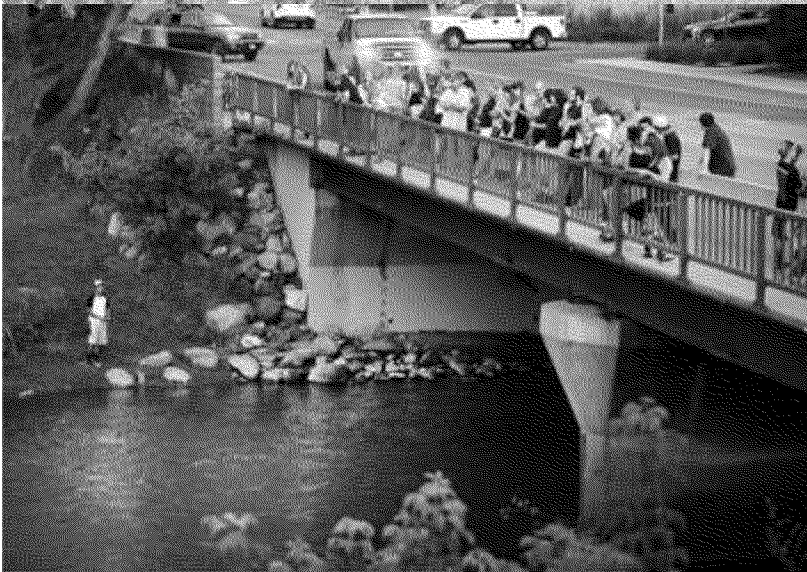
However, since the blowout, Conrad said the EPA has brought to the mine site a command center truck designed for communications.

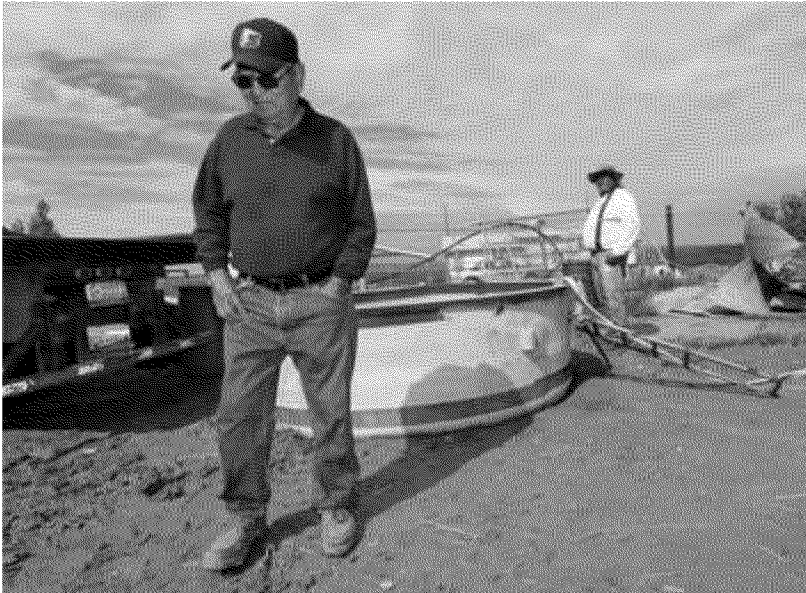
He said there are also intentions to install a permanent cellphone tower.

“So now they have working land lines out there, and the protocol is to dial 911 in similar instances,” he said.

The EPA did not respond for a comment on when the new notification plan would be released to the public.







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Wetlands ruling could open more area for development

Federal judge says EPA exceeded its authority to stop home builder in Montgomery County

By Matthew Tresaugue | September 5, 2015 | Updated: September 5, 2015 6:17pm

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A federal judge has ruled that environmental regulators erred by trying to block a home builder from filling in wetlands in Montgomery County - a decision that could open more areas of greater Houston to development.

In a scathing, eight-page opinion issued last week, U.S. District Judge Lynn Hughes in Houston wrote that the Environmental Protection Agency went beyond its authority and acted in bad faith while trying stop Thomas Lipar from building homes on his marshy

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The EPA's authority extends only to navigable waters and wetlands connected or adjacent to them. In this case, the agency did not show that the filled-in wetlands had a significant connection to jurisdictional waters, the judge found.

Hughes also scolded the EPA for withholding court-ordered documents that could have harmed its case against the developer. He ordered the agency to pay Lipar's attorney's fees as punishment.

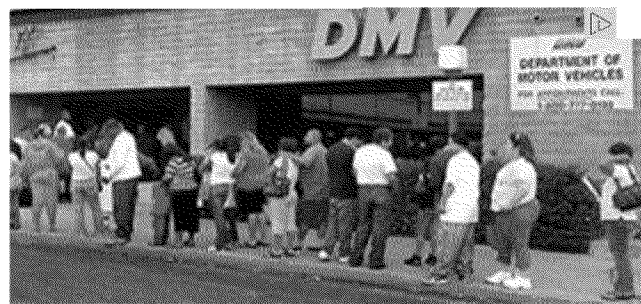
The agency, which sued Lipar after threatening fines of \$32,500 a day if he didn't stop, "has abused its power in an attempt to browbeat the defendants and discourage" others "from developing similar areas," Hughes said.

He also called the EPA's behavior "reprehensible."

The EPA declined to comment, referring questions to the Department of Justice. A spokesman said the government's attorneys are reviewing the opinion.

The case underscores the lack of clarity over which wetlands are under the protection of federal environmental laws. Even the Supreme Court has made decisions on major Clean Water Act cases that left more questions than answers.

In response, the Obama administration has tried to write clearer rules. But the new



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regulations, which would have placed some smaller waterways under the federal government's jurisdiction, were blocked by a federal judge in North Dakota last month.

"Frankly, there is a lot of confusion out there," said Jim Blackburn, a Houston attorney who has tried to force the government to do more to protect wetlands from development. "The question is, how far out from the stream does the regulation go?"

38,000 acres lost

Environmentalists say that the murky reality has contributed to the rapid loss of wetlands in greater Houston. At least 38,000 acres of marshes, swamps and similar areas vanished in the eight-county region over the past two decades, according to the federal government's most recent data.

That's an area about the size of The Woodlands and Sugar Land combined turned into housing tracts, office buildings, strip malls, parking lots and roads.

Even if a wetland falls under federal protection, it can be developed. But builders say the process of obtaining permits and meeting mitigation requirements takes too long and is expensive.

'Prairie pothole'

In the Lipar case, the government filed suit in 2010, accusing him of filling in and building on top of wetlands without a permit at two residential developments - the 3,000-acre Benders Landing Estates and a piece near the Lake Windcrest subdivision in Montgomery County.

In legal filings, federal lawyers asserted that the destroyed wetlands were connected to navigable tributaries that flow into Galveston Bay and thus were protected under the Clean Water Act.

But Casey Wallace, the attorney representing Lipar, said the wetlands were too far away from the waters under federal authority to be considered connected.

"A prairie pothole in Montgomery County is not part of the traditional navigable waters of the U.S.," Wallace said, "so it shouldn't be a focus of what the government is trying to do."

Hughes agreed. "They are wetlands only in the same way that the entire area is coastal prairie," he said.

Undervalued?

Tracy Hester, professor of environmental law at the University of Houston, said the opinion's "narrow interpretation" of federal waters means only those wetlands that touch bays, streams and rivers could be protected.

The ruling, however, undervalues wetlands farther up the watershed, said John Jacob, an expert on wetlands at Texas A&M University.

Jacob in 2011 found that the thousands of ponds carved into the prairies of the Texas coast provide more water for Galveston Bay and other navigable bodies than the federal government recognizes. The analysis showed that at least 17 percent of the water that fell on inland ponds - also known as prairie potholes - reached a navigable waterway within four years.

The decision "points out the dangers we are facing in terms of wetland loss," Jacob said.



Matthew
Tresaugue

Environment
Reporter, Houston Chronicle

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<http://www.mysanantonio.com/opinion/commentary/article/Don-t-cherry-pick-the-science-on-methane-6486290.php>

Don't cherry-pick the science on methane

Gunnar Schade, For the Express-News Published 12:00 am, Monday, September 7, 2015

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Methane concentrations in our air have increased threefold since preindustrial times — and the reasons for that increase are all man-made.

Rep. Lamar Smith is the chairman of the House Committee on Science, Space, and Technology. One would expect he measures his public statements wisely, talks to independent science and technology experts often, and bases his statements on the best available evidence, rather than preconceived, ideology-driven notions.

Unfortunately, similar to his opinions on climate science, the San Antonio Republican's sharp response recently to a San Antonio Express-News editorial on possible regulations of methane emissions from the oil and gas industry is not based on what the science says.

Methane concentrations in our air have increased threefold since preindustrial times, and the

reasons for that increase are all man-made. One of its dominant sources to the atmosphere is the mining and use of fossil fuels, such as natural gas, estimated to release 100 million metric tons of methane per year world-wide, roughly a fifth of the total source. Other large man-made sources include landfills, domestic cows and rice fields; the largest natural source are wetlands.

It speaks to his lack of understanding of the suggested methane regulations that Rep. Smith refers to livestock and the ocean as "natural violators."

The EPA estimates emissions of methane and other greenhouse gases via a sophisticated inventory. A typical misunderstanding, seemingly also held by Rep. Smith, is that this inventory is an accurate measure of emissions. It is not. Rather, it is a best guess of true emissions based on sometimes sparse input data for its calculations. EPA's oil- and gas-related methane inventory, which largely relies on industry-provided input data, has been known for years to be at odds with measured atmospheric abundances of methane. Only the recent U.S. fracking boom led to independent estimates of actual emissions.

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The majority of these studies so far have confirmed that regional methane emissions are higher than what EPA calculates for its inventory.

What about those studies that show lower emissions?

When arguing the benefits of natural gas, industry likes to cherry-pick measurement results that suggest its emissions are as low as EPA estimates. However, one of industry's favorite studies, alongside possibly industry's self-reported data, has recently been shown to be biased due to an instrument glitch that can lead to serious methane emissions underestimation. That currently leaves one independent estimate showing EPA-inventory conform emissions, albeit based on limited data and only achieved due to lower emissions from gas-producing shale areas, such as the Marcellus. More emission estimates from other high-production areas, such as the Eagle Ford, are pending analyses and publication, hopefully informing a better national estimate.

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Decision-makers like Smith should also know that the cited comparison is one of methane emitted relative to methane produced. Industry contends that EPA's current estimate of this measure, around 1.5 percent, if accurate, assures that the climate benefits of natural gas over coal combustion are maintained. This omits, however, that those benefits are only fully realized if all natural gas replaces coal in electricity production, which is not the case. It also omits that while industry may have improved its production efficiency, its relative methane loss rate, over the last 10 years, absolute emissions are increasing, at least regionally, as evident from air quality measurements downwind of shale areas throughout the nation.

EPA regulations are intended to not only limit methane emissions but, as a co-benefit, the emissions also of air toxics, which are an unwanted consequence of oil and gas exploration. Both the measurements on the ground and in the air have shown that there remain numerous "super-emitters" among the oil and gas production, gathering and distribution chain, and that the nation's long-term progress in air toxics reduction has stalled in and downwind of shale areas.

These issues can be addressed effectively, as has also been demonstrated via atmospheric emission measurements. Missing are the incentives. Market-based solutions, such as a price on carbon, are being blocked, and even reasonable regulations are frowned upon. As long as this situation persists, existing and paid-for, but old and leaking, equipment may remain in service. This is not in our collective best interest socially and economically. Since curbing those man-made emissions of methane is really low-hanging fruit compared to other greenhouse gas reduction strategies, we would do well as a society and economy in picking them quickly.

Gunnar Schade is an associate professor of atmospheric science at Texas A&M University. His current research includes air quality evaluations in the Eagle Ford Shale area.

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Old mines present mammoth remediation task in N.M.

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Steering his Toyota 4Runner through a dirt path in the town of Cerrillos, Todd Brown points to one of the piles of waste rock that have been sitting for decades in one of the most mineral-rich mining districts in the state.

“In the old days ... they didn’t even know what reclamation meant,” Brown says about the process of restoring an abandoned mine site. “And people die, and people move and people sell. That’s why nothing ever got cleaned up.”

Brown’s nearby Cerrillos mining museum caters to a familiar Old West narrative. But a few miles away, where Brown cares for private properties, waste rock piles that have been sitting on these rolling hills for decades attest to a different legacy that miners from the 19th century and earlier left behind.

Brown points to an open-pit turquoise mine that he said Native Americans first dug. Nearby, there’s a foundation of what once was a coal smelter. Slag — rock stripped of its minerals through smelting — blackens the ground. He points to abandoned mine sites miles off in the distance, where, he said, yellow streaks tell of sulfuric acid runoff.

“It’s a major problem in the West,” he says of abandoned mine sites.

As local and federal officials continue to assess the damage wrought by the release of 3 million gallons of chemically tainted water from the Gold King Mine in Colorado, New Mexico has a staggering inventory of abandoned mines, many rated as highly dangerous as Gold King, and only a fraction of them remediated.

Money to address the problem has been slow in coming. The dangers presented by New Mexico’s mines have more to do with hikers accidentally falling into one rather than chemical leakage into watersheds, state and federal officials say. But those officials also acknowledge the environmental hazards posed by those mines need to be assessed.

In fact, public officials and scientists don’t know how many abandoned mines scar New Mexico’s 121,697 square miles — much less the precise environmental dangers posed by tens of thousands of abandoned mines across the state.

Nationally, according to estimates by federal agencies, there are 500,000 abandoned mines. In 2008, the U.S. Government Accountability Office said 161,000 abandoned hard-rock mine sites dot 12 Western states and Alaska.

Nearly a quarter of those sites, roughly 33,000, “had degraded the environment, by contaminated surface water and groundwater or leaving arsenic-contaminated tailings piles,” the GAO stated in a separate report to Congress in 2011.

Following the 2008 GAO report, which criticized several federal agencies for failures and inconsistencies in tracking mine data, the Bureau of Land Management, the U.S. Forest Service, the Environmental Protection Agency and other agencies launched an online portal to collect information about abandoned mines.

Bureau of Land Management officials have been spanning out across the West with GPS equipment to identify abandoned mines. They’ve collected the most comprehensive inventory of abandoned mines in New Mexico, but those are only the mines in and around public lands in the state.

Bill Auby, who heads the abandoned mines program for the BLM in New Mexico, said it’s “going to take time. It’s going to be a long process to get to all the mining districts and wander the hills and find these things and identify them.”

Officials so far have identified 13,068 abandoned mines in and around BLM land in New Mexico, the bureau’s records show. Of the mines identified, federal officials say 8,956 of New Mexico’s abandoned mines “need analysis.” According to Auby, that means “you recognize that there’s waste rock piles and maybe pits and standing water. And perhaps there could be contamination from heavy metals.”

Officials, however, say New Mexico’s arid environment diminishes the possibility of pressurized water pushing out old mining waste like it did from the Gold King Mine in Colorado.

Close to 90 percent of the mines identified by the BLM — 11,751 mines in New Mexico — have not been remediated, according an analysis of the data by The New Mexican.

The agency’s records show that officials located waste rock and tailings in 260 of those mines, including 20 in the Cerrillos Hills Mining District. The highest concentration of abandoned mines with waste rock and tailings, 56, is in the southwestern Hillsboro Mining District, where deposits of gold and silver have driven booms and busts for towns like Silver City for more than a century.

[Click to enlarge]

A ‘site to see’

Republican Gov. Susana Martinez has criticized the U.S. Environmental Protection Agency for causing the Colorado spill and failing to communicate with New Mexico in a timely manner about its fallout.

“It’s a site to see,” the governor said at a news conference in Farmington after catching a view of the waste from a helicopter, “one we would have never expected to have in New Mexico and to have the EPA responsible for it.”

She said the state would do “everything it takes” to hold the federal agency accountable for the spill. And she’s blasted the EPA for slow communication with the state about the toxic spill.

"I'm hoping they will hold themselves to the same standards that they would hold any other industry or business," she told Fox News on Aug. 11. "There will be — I'm not taking anything off of the table," she said when asked if the state would launch a criminal probe into the EPA. "Right now we have people preparing for a lawsuit, if that's what we need to do."

Martinez's Energy, Minerals and Natural Resources Department says on its website that "the numbers of abandoned mines in the state are so numerous that one can only guess at the quantity."

"Some of them are small and not considered dangerous," state officials say on the Web page. "Others are extremely dangerous. The [Abandoned Mine Land] Program estimates that there are approximately 15,000 abandoned mine features throughout the state."

John Kretzmann, manager of the department's Abandoned Mine Land Program, has worked to identify and remediate abandoned mines in the state for decades. He praised Martinez's announcement that she would put at least \$750,000 into addressing the fallout from the Gold King Mine spill.

"There's room for assistance for other abandoned land mine issues as well," Kretzmann added.

The state established the Abandoned Mine Land Program after President Jimmy Carter signed the 1977 Surface Mining Control and Reclamation Act of 1977 into law.

Congress wrote the federal law to address environmental impacts left from coal mining. That's why the state program has attempted to reclaim and secure coal mines since its passage. There's no dedicated funding source to clean up abandoned hard-rock mines — those that produce gold, silver, lead, copper, zinc — though the 1977 law does allow for coal funds to be put toward remediating hard-rock mines.

"We don't do cleanup unless it's at a coal site," said Randall Armijo, an environmental coordinator who works under Kretzmann.

Kretzmann said he believes "a comprehensive inventory would be a very good step so we know what's out there, where it is, and then we can take appropriate steps to find the funding and work to safeguard and reduce the hazards of those abandoned mines."

He said he'd like to see studies conducted on some of the "mine waste rock piles that have been sitting out in the environment for sometimes over a century here. It'd be nice to know if those are — even though they're not constantly weeping water or something like that — whether those are spreading contamination into the environment in any way."

He wants to know "whether there are any ... minerals that cattle or people are being exposed to through the old mine waste piles.

"I'm not aware that a lot of study has been done — particularly in this semi-arid type of environment — on how those metal and other contaminants move through the environment," he added.

He said the department is working with the New Mexico Institute of Mining and Technology on "the possibility of at least beginning to do some preliminary work" to identify abandoned mines in New Mexico.

"But that's not a sure thing at this point," he added.

Priorities

Navid Mojtabai, chairman of New Mexico Tech's Department of Mineral Engineering, said \$100,000 to \$200,000 would help the department and the state compile an inventory of abandoned mines "for a really limited area" and then try to evaluate the conditions of those mines, their stability and whether they have waste rock piles.

"This is something that takes time and energy and a lot of work to evaluate just to find out what's there," he said.

The state Abandoned Mine Land Program's database includes an inventory of just over 3,000 abandoned mines in New Mexico, including mines on private land.

Some \$24.4 million has gone toward safeguarding and reclaiming 261 abandoned mines in New Mexico, according to state records.

Kretzmann said the program follows a prioritization scheme set up by the 1977 mining law.

"Under the provisions of this act, the first priority is public health and safety," Kretzmann said. "And in general, what that means is mine openings that are hazardous to people. So that's generally the first priority. The second priority is the same but is of a less immediate or hazardous nature. And third priority is environmental, you know, impacts: waters, lands that have been adversely impacted by historic mining practices."

The EPA has listed five mine sites in New Mexico on its Superfund or national priorities lists — some of the most hazardous sites in the nation. Cleanup at the Chevron mine in Questa, a Superfund site near the Red River mined for molybdenum, is still underway, according to the EPA.

Rachel Conn, the interim executive director of the nonprofit Amigos Bravos, points out that Chevron, which has contributed to the cleanup, is suing the Environmental Protection Agency to contribute a bigger share to the cleanup, arguing that the government encouraged the mining.

In New Mexico, state officials have successfully made similar arguments about the federal government's responsibility to clean up uranium mining waste in places like the uranium belt in Grants — pointing to the fact that demand for the chemical element increased during the Cold War.

Conn, whose group lobbied for the Superfund status of the Questa mine, said the 1993 New Mexico Mining Act provides strong provisions to ensure that more mines aren't abandoned without proper environmental reclamation.

"Companies can't leave a mine without performing adequate regulation," she said. "They have to create a self-sustaining ecosystem before they walk away."

But she said 1872 legislation signed into law by Ulysses S. Grant to encourage mining needs to be changed.

Pete Dronkers follows hard-rock mining issues in Southwestern states, including New Mexico, for the environmental nonprofit Earthworks. The organization is advocating for congressional changes to the General Mining Act of 1872 that allows hard-rock mining ventures to extract resources without paying royalties or fees to pay for the industry's past environmental messes in the same way that the coal industry is mandated to pay royalties for cleanup efforts.

"We know that these mines are going to generate acidic runoff for thousands of years," Dronkers said.

He said new mines being permitted — "well over" 1,000 times the size of the Gold King Mine — are allowed to be built with the knowledge "that these sites are going to generate water-treatment liabilities and basically acid mine drainage and pollution problems for thousands of years."

"And so the question is, 'Who's going to pay for that in the future?' " he said. "It's basically like we haven't learned anything from Gold King, and we're going to continue to build mines that have that same fundamental problem. But we're going to build them thousands of times larger."

Zoom and click the points to see information on each mine in the BLM database.

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VICTORIA ADVOCATE

Would you like processed sewage sludge with that?

By Craig Monk - Guest Column
Sept. 6, 2015 at midnight



Craig Monk

So, you might ask yourself - is processed sewage sludge (biosolids) safe to apply to Texas farms and forests?

And the answer would be - no, it is not safe.

First, let me caution everyone about what you might refer to as an odor or smell. It is really an emission.

You need to be concerned about the "odor or smell" being emitted from processed sewage sludge. Odor means that the material has destabilized and is still putrefying, emitting endotoxins and other harmful bio-aerosols.

Processed sewage sludge contains a vast array of toxic and persistent chemicals, most of which are neither monitored nor regulated. Sludge odor is more than a nuisance problem. It is toxic emissions.

Hundreds of sludge-exposed rural residents in 38 states have experienced serious, sometimes life-threatening, respiratory symptoms, asthma attacks and rare forms of pneumonia. At least two deaths have been linked to this unsafe practice.

Sewage sludge of any class is such a complex and unpredictable mixture of pathogens and chemical compounds that, even if all the constituents were known, it would still be impossible to reliably assess the health risks if and when this toxic waste is land applied.

Processed sewage sludge has risk - even stated by the Environmental Protection Agency in their "risk" assessment made in the late 80s. Risk goes up, not down, over time.

Now take into account industry not following regulations, and our own Texas Commission on Environmental Quality sitting on an EPA Inspector General Report since April 2014. You don't really think this report just happened overnight and that industry has been playing by the rules all these passed years, do you?

Risk.

We have found that the EPA, TCEQ, municipalities, river authorities and especially waste water treatment plants and the companies that sling sewage onto fields are little more than con artists. The con is telling farmers that the processed sewage sludge is "safe." This unfortunately makes the farmer little more than a sucker for what he thinks is free. I was always told nothing is free, and there is always a price.

Where humans and money are involved in the regulations process, I call that big-time risk to health. What is the definition of "safe"? 1. Secure from danger, harm or evil. 2. Free from danger or injury; unhurt; safe and sound. 3. Free from "risk."

That would make anyone who says that any processed class or type of sewage sludge is "safe" a bald faced liar.

Why is it free? It is the cheapest way to rid municipalities of their responsibility. It is also very difficult for the average citizen/taxpayer to fight. In other words, "The Perfect Storm."

Cattle will pick up top soil when they graze on these contaminated fields. If top soil has been broadcast with sewage sludge, then industrial, hospital, storm and household contaminants will be picked up by cattle as they forage. Since there are no regulations requiring that they check if cattle are contaminated when sold, these cattle will enter public food along with the good cattle.

You think foliage and plants will not pick up contaminants? You had better look up the current research. But be aware: science can be bought and paid for.

Right now the Prion Research Center is showing the path of sewage sludge to field to crops and cattle is a pathway to humans. Not to even mention the runoff from these fields leaching into the ground water, rivers and lakes. Prion is a folded protein currently being studied as a cause of Alzheimers, Parkinsons, Creutzfeldt-Jakob, Gerstmann-Sträussler-Scheinker syndrome, Fatal Familial Insomnia, Kuru and other nervous system degenerative diseases like Multiple Sclerosis.

If you think your state environmental agency, the TCEQ, is there to protect your health - think again. They are, in theory, but the reality is very different. Imagine riding shotgun and trying to regulate hundreds of thousands of sewage sludge dumps each week in Texas. It cannot be done. It is the same for the EPA, FDA, CDC and USDA. They are in place to protect the ill-conceived EPA Part 503. In Texas it is the Texas Administrative Code, Title 30. Both have layer upon layer of red tape to protect the municipalities and the sewage industry.

I would expect everyone is a little skeptical of what I have disclosed here. If I knew nothing about the sewage process, I would be skeptical, too. I hope that you will first research the EPA's 1980 research that made Part 503 and 503 Risk Assessment, the EPA's 2009 Targeted National Survey of Sewage Sludge. Then research the data, all the while remembering - some science is bought and paid for.

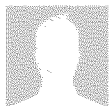
Craig Monk, of Ellis County, is a native Texan, happily married for 40 years. He has worked in sales and marketing all his life, with backgrounds in data management and computer hardware/software. He may be emailed at craigmonk@aircanopy.net.

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Caroline Snyder · Harvard University

Here are some websites to begin learning the truth about the risks and the misinformation from Government agencies, the sewage lobby, and industry-funded scientists who continue to claim that this practice is safe and sustainable:

www.sludgenews.org

[www.http://cwmi.css.cornell.edu/PDFS/LandApp.pdf](http://cwmi.css.cornell.edu/PDFS/LandApp.pdf)

www.sludgefacts.org

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Gary Chandler · Founder & Executive Director at Sacred Seedlings

Great article, Craig. Thanks for your time and commitment. Meanwhile, people can dig deeper here. <http://crossbowcommunications.com/sewage-mismanagement.../>

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<http://www.mysanantonio.com/opinion/commentary/article/Proposed-EPA-ozone-rules-will-damage-economy-6486253.php>

Proposed EPA ozone rules will damage economy

Rey Chavez, For the Express-News Published 12:00 am, Sunday, September 6, 2015

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A study published by the National Association of Manufacturers (NAM) found that the new ozone rules will destroy 1.4 million full-time jobs. At a time when most economists agree that U.S. job growth is not on par with a strongly recovering economy, killing jobs is not advisable.

The new National Ambient Air Quality Standard limits regarding ozone levels will not only hurt our manufacturing industry, a \$30-billion-a-year economic driver in the San Antonio area, they will also hurt the average citizen.

The new standards, intended for implementation starting Oct. 1, are an about-face for the EPA. The agency plans to lower the acceptable ground-level ozone limit from 75 parts per billion to 65 parts per billion, a number that most national parks will not be able to achieve, much less our nation's manufacturers.

Ozone is the main component of smog, a combination of pollutants that can lead to respiratory distress in high levels. During the hot summer months, smog can sometimes be seen on the horizon in San Antonio and many other cities.

While we can all agree that air quality and the sustainability of our environment are of the utmost importance, we cannot support harsh regulations that will cost our economy jobs and increase the cost of goods in pursuit of an unattainable metric for ground-level ozone. A study published by the National Association of Manufacturers, or NAM, found that the new ozone rules will destroy 1.4 million full-time jobs. At a time when most economists agree that U.S. job growth is not on par with a strongly recovering economy, killing jobs is not advisable.

The new rules not only target manufacturers but individuals, too. Under the new rules, counties that do not meet the new targets — and some 1,600 counties around the country likely will not, according to EPA data — will be required to submit to the EPA how they plan on doing so.

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Measures to meet the targets could include taxing drivers and requiring updates to older household equipment such as air-conditioner units, a cost to be paid by the consumer. NAM conservatively estimates that each household will take a \$380 hit. Many will surely see much higher costs, as anyone who has replaced an air-conditioning system this summer knows.

The EPA has successfully lowered ozone by almost 33 percent since 1980 under current regulations, while globally ozone has increased tenfold according to the EPA. Prominent scientists contend that no matter how low the EPA sets targets, lack of control in countries such as China and Japan will undo any gains made elsewhere.

Businesses and associations around the country have told President Barack Obama that passage of the new rules will hinder economic growth, job creation and technological advances. So far, he is not listening.

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Manufacturing is not the only sector set to be negatively affected by the change. Pharmaceutical companies, farming and the auto industry are likely to be negatively affected by the rules. Jobs will be lost, putting thousands of Americans out of work.

Prominent business organizations such as the U.S. Chamber of Commerce and the American Petroleum Institute have come out in support of keeping ozone limits at the current 75 parts per billion. Specifically, National Black Chamber of Commerce data point out that the new rules, if enacted, would hit black and Hispanic households harder than any others, regressing communities that have been slowest to recover from the economic downturn.

Does that sound like good economic strategy? Cleaner air, again, is a laudable goal. The business community understands this. But is a miniscule improvement worth tens of thousands of jobs? A little common sense makes the answer to these questions quite clear: No.

The new rules proposed by the EPA will slow job growth, innovation and economic output. Average citizens are not immune to the effects as they will see an increase in gas prices and draconian regulations on basic household equipment. Consumer prices and unemployment will jump at a time when our nation is still trying to fully recover from the Great Recession.

Current ozone rules are working. The EPA should keep them as is, or risk inflicting serious economic damage to Americans everywhere.

Rey Chavez is president of the San Antonio Manufacturers Association.

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Letter: Contamination

Published: September 7, 2015; Last modified: September 7, 2015 11:30PM

Attending the Future Use Community Planning Meeting (which could have been called “what will we do with Cotter’s contaminated neighborhood?”), I couldn’t help but feel that this is, again, time and effort for naught. Or, as a friend of Lincoln Park often said, “I’m afraid they’re drinking their own bath water.”

It should not be about giving the neighborhood a face lift, it should be about protecting residents, future generations and properties.

Thirty-five years ago, an Environmental Protection Agency spokesperson was asked if it was safe to eat vegetables grown in Lincoln Park. He replied that it was perfectly safe, but “don’t sell them because it is against the law to sell contaminated food.”

A recent Associated Press report on the Animas River spill read: “Closed in 1923, Gold King Mine contamination now flows downstream. ... Authorities suggested the water is safe to drink ... but warned people not to use it for irrigation or livestock.”

The advice appears to say, “Go ahead, consume the contamination, but don’t let it get in my food chain.”

For more than 45 years, Manhattan (atomic bomb) waste has been migrating under Lincoln Park slowly seeping toward the Arkansas River. Ample documents back up that statement. Contamination will reach the Arkansas River at some point — in fact it probably has. But “surely it’s all dissipated by now,” except for the future user who will search for water and find contamination.

I recall the EPA saying Cotter wasn’t their concern as it was up to Colorado. Colorado said everything was fine, because Cotter told them it was and both said the Superfund designation didn’t mean anything. Realtors and the local establishment ridiculed Lincoln Park residents who felt a deep concern.

Cotter, as inferred by Colorado Department of Public Health and Environment and EPA, does not exist. Records and agency status are maintained by The Corporation Co., a holding company without a mailing address or published telephone number. Cotter’s prior agent is no longer with Cotter. Cotter will not cooperate. The U.S. Department of Energy will not cooperate.

I remember. I cannot overlook. I cannot forget. I feel concern for the area now — not 50 years from now, not a few more generations from now — now.

Deyon Boughton

Florence

Close attention warranted for EPA's new ozone rule

by The Oklahoman Editorial Board *Published: September 8, 2015*

IT'S difficult to keep track of the many ways the Environmental Protection Agency under the Obama administration is working to make life more difficult and costly for Americans. One plan to pay attention to involves ozone regulations.

This proposed rule hasn't garnered as much attention as, say, the EPA's Clean Power Plan, which seeks to reduce carbon dioxide emissions by 32 percent below 2005 levels by 2030. Energy produced from fossil fuels is the main target of that plan; naturally, Oklahoma oil and gas companies are concerned about the CPP's impact.

New ozone regulations, if approved, would cut a much broader swath through the economy. And like the CPP, which would have a negligible effect on worldwide CO2 emissions, the benefit from the ozone rule would be marginal as well.

The administration is considering reducing the National Ambient Air Quality Standard for ozone from the current 75 parts per billion to 65 ppb, and perhaps as low as 60 ppb. U.S. Sen. Jim Inhofe, R-Tulsa, who is fighting the proposed rule change, notes that *all 77 counties* in Oklahoma would be out of attainment at the 65 ppb level.

Counties that aren't able to meet the ozone threshold would have to come up with plans explaining to the EPA how they plan to eventually meet the mark. Meanwhile, a study by National Economic Research Associates estimated implementation costs at hundreds of billions of dollars per year short-term, and in the trillions of dollars over 20 years. Figures provided by Inhofe place the damage at \$1.7 trillion, and 1.4 million jobs.

Anastasia Swearingen, a research analyst with the Environmental Policy Alliance, wrote on these pages last month that roughly 35,700 Oklahoma jobs could be lost due to compliance-related costs. She also noted that residents in some U.S. cities could pay more through taxes on parking spaces or tolls that increase during peak congestion time — ideas being considered by policymakers in various locales.

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Drilling boom leaves some ranchers in a wasteland

By John Flesher

AP Environmental Writer | Posted: Monday, September 7, 2015 10:01 pm

CROSSROADS, N.M. — Carl Johnson and son Justin are third- and fourth-generation ranchers who for decades have battled oilfield companies that left a patchwork of barren earth where the men graze cattle in the high plains of New Mexico. Blunt and profane, they stroll across a 1 1/2-acre patch of sandy soil — lifeless, save for a scattering of stunted weeds.

Five years ago, a broken pipe soaked the land with as much as 420,000 gallons of oilfield wastewater — a salty and potentially toxic drilling byproduct that can quickly turn fertile land into a dead zone. The leaked brine killed every sprig of grama and bluestem grasses and shinnery shrubs it touched.

For the Johnsons, the spill is among dozens that have taken a heavy toll: a landscape pockmarked with spots where livestock can no longer graze, legal fees running into the tens of thousands and worries about the safety of the area's underground aquifer.

"If we lose our water, that ruins our ranch," Justin Johnson said. "That's the end of the story."

Their plight illustrates a largely overlooked side effect of oil and gas production that has worsened with the past decade's drilling boom: spills of wastewater that foul the land, kill wildlife and threaten freshwater supplies.

An Associated Press analysis of data from leading oil- and gas-producing states found more than 180 million gallons of wastewater spilled from 2009 to 2014 in incidents involving ruptured pipes, overflowing storage tanks, deliberate dumping and other mishaps. There were some 21,651 individual spills. And these numbers are incomplete because many releases go unreported.

Though oil spills tend to get more attention, wastewater spills can be more damaging. And in seven of the 11 states the AP examined, the amount of wastewater released was at least twice that of oil discharged.



Drilling boom brings rising number of harmful waste spills

Carl Johnson, left, and son Justin walk April 24 across a stretch of pasture left barren after an oilfield wastewater spill on their ranch near Crossroads, N.M. The ranchers have been fighting oil companies for decades over spills of briny, polluted water. Charlie Riedel/The Associated Press

Spilled oil, however unsightly, over time is absorbed by minerals in the soil or degraded by microbes. Not so with the wastewater — also known as brine, produced water or saltwater. Unless thoroughly cleansed, a costly and time-consuming process, salt-saturated land dries up. Trees die. Crops cannot take root.

“Oil spills may look bad, but we know how to clean them up and ... return the land to a productive state,” said Kerry Sublette, a University of Tulsa environmental engineer and specialist in treating the despoiled landscapes. “Brine spills are much more difficult.”

In addition to the extreme salinity, the fluids often contain heavy metals such as arsenic and mercury, plus radioactivity. Even smaller discharges affecting an acre or two gradually add up for landowners — “death by a thousand bee stings,” said Don Shriber of Farmington, a cattleman who wrangled with an oil company over damage.

For animals, the results can be fatal. Ranchers, including Melvin Reed of Shidler, Okla., said they have lost cattle that lapped up the liquids or ate tainted grass.

“They get real thin. It messes them up,” Reed said. “Sometimes you just have to shoot them.”

The AP obtained data from regulatory agencies in Texas, North Dakota, California, Alaska, Colorado, New Mexico, Oklahoma, Wyoming, Kansas, Utah and Montana — states that account for more than 90 percent of the nation’s onshore oil production. Officials in ninth-ranking oil producer Louisiana and second-ranking gas producer Pennsylvania said they could not provide comprehensive spill data.

The spill total increased each year, along with oil and gas production. In 2009, there were 2,470 reported spills in the 11 states; by 2014, the total was 4,643. The amount of wastewater spilled doubled from 21.1 million gallons in 2009 to 43 million in 2013 before dipping to 37.6 million last year.

The extent of land or water contamination is unknown; state and federal regulators make no such assessments. Texas, the nation’s biggest oil and gas producer, had the most incidents, 4,783, and the highest volume spilled, 62 million gallons.

Industry groups and regulators said much of the waste is recovered during cleanup operations or contained by berms near wells. Still, they acknowledged a certain amount soaks into the ground and can flow into waterways.

“You’re going to have spills in an industrial society,” said Katie Brown, spokeswoman for Energy In Depth, a research and education arm of the Independent Petroleum Association of America. “But there are programs in place to reduce them.”

Wastewater spills have dogged the oil industry from its earliest days more than a century ago, borne witness by barren sites from the Great Plains to the Pacific. A notorious symbol is the “Texon scar,” where brine from a well drilled in 1923 near a tiny West Texas town created a desolate 2,000-acre

swath dotted with dead mesquite trees. Efforts to restore the land continue to this day, said range conservationist Joe Petersen.

Concentrated brine, much saltier than seawater, exists naturally in rock formations thousands of feet underground, a remnant of prehistoric oceans. When oil and gas are pumped to the surface, the water comes too, along with fluids and chemicals injected to crack open rock — the process known as hydraulic fracturing. Production of methane gas from coal deposits also generates wastewater, but it is less salty and harmful.

The spills usually occur as oil and gas are channeled to metal tanks for separation from the wastewater, and the water is delivered to a disposal site — usually an injection well that pumps it back underground. Pipelines, tank trucks and pits are potential weak points.

Accidents range from the mundane to the freakish; in 2010, a storage tank near Ardmore, Okla., overflowed after a snake slithered into a panel box and blew a fuse. Most spills are caused by equipment malfunction or human error, according to state reports reviewed by the AP.

Though no full accounting of damage exists, the scope is sketched out in a sampling of incidents:

- In North Dakota, a spill of nearly 1 million gallons in 2006 caused a massive die-off of fish, turtles and plants in the Yellowstone River and a tributary. Cleanup costs approached \$2 million. Two larger spills since then scoured vegetation along an almost 2-mile stretch and fouled a creek and a river.
- Wastewater from unlined pits seeped beneath a 6,000-acre cotton and nut farm near Bakersfield, Calif., and contaminated groundwater. Oil giant Aera Energy was ordered in 2009 to pay \$9 million to grower Fred Starrh, who had to remove 2,000 acres from production.
- Brine leaks exceeding 40 million gallons over decades on the Fort Peck Indian Reservation in Montana polluted a river, private wells and the municipal water system in Poplar. “It was undrinkable,” said resident Donna Whitmer. “If you shook it up, it’d look all orange.” Under a 2012 settlement with the U.S. Environmental Protection Agency, oil companies paid \$320,000 for new water wells and other improvements. Drinking water tainted with oilfield brine can cause high blood pressure, dehydration and other health risks, EPA spokeswoman Sarah Teschner said.
- In Fort Stockton, Texas, officials in February accused oil company Bugington Energy of illegally dumping 3 million gallons of wastewater in pastures. Paul Weatherby, general manager of the Middle Pecos Groundwater Conservation District, said he fears contamination of the area’s groundwater table. The district levied a \$130,000 fine but the company hasn’t paid, contending the district overstepped its authority.
- A pipeline joint failure caused flooding on Don Stoker’s ranch near Snyder, Texas, in November 2012 and turned his hackberry shade trees into skeletons. Vacuum trucks sucked up some saltwater and the oil company paid damages, but Stoker said his operation was in turmoil. “I had to stay out there

three days and watch them while they were getting the saltwater out, to make sure they didn't totally destroy the whole area."

Government agencies acknowledge having a limited view of the accidents, which often happen in remote places and, unlike oil spills, don't produce dramatic images of birds flailing in black goo and tourist beaches fouled. Regulators rely on private operators to notify them, and it's not always required. For example, Oklahoma exempts reporting of most spills of less than 10 barrels, or 420 gallons.

The loudest whistleblowers are often property owners, who must allow drilling access to their land if they don't own the mineral rights.

"Most ranchers are very attached to the land," said Jeff Henry, president of the Osage County Cattlemen's Association in Oklahoma. "It's where we derive our income, raise our families. It's who we are."

A big reason why there are so many spills is the sheer volume of wastewater extracted: about 10 barrels for every barrel of oil, according to an organization of state ground water agencies, or more than 840 billion gallons a year.

Sometimes, the exact cause is never determined. The Johnsons have yet to learn why an underground line ruptured in at least two places on the state-owned land they lease for ranching. A salty, oily odor wafted heavily on the breeze when Justin Johnson reached the site in October 2010.

"I was just totally and thoroughly disgusted," he said.

New Mexico Salt Water Disposal Co. acknowledged responsibility. No fines were levied because the leak was accidental. Vice President Rory McGinn blamed practices and materials the company no longer uses, saying in an interview that "an enormous amount of money" has gone into upgrades.

The company said much the same in 2005 after earlier spills, telling the state in a letter obtained through a records request it had spent nearly \$250,000 on higher-grade pipe, tanks and valves and "our objective and goal is to be 100 percent maintenance and environmentally safe in our operation."

The company has had a dozen spills since 2003, said Larry Behrens of the New Mexico Department of Energy, Minerals and Natural Resources.

Despite such incidents, relatively few farmers and ranchers complain publicly. Some get royalty checks for wells on their property. Others don't want to be seen as opposing an industry that is the economic backbone of their communities.

"If they treat us right, we're all friends of oil," said Mike Artz, a grower in North Dakota's Bottineau County who lost a 5-acre barley crop in 2013 after a saltwater pipeline rupture. "But right now, it's just a horse running without the bridle."

Oil and gas developers said they have everything to gain from stopping spills, which cost them money for cleanup and soil restoration.

Sara Hughes, spokeswoman for pipeline operator Kinder Morgan, said her company has lowered water injection pressure and installed additional leak-detection devices on its lines since its spill on Stoker's land.

"We are committed to public safety, protection of the environment and operation of our facilities in compliance with all applicable rules and regulations," Hughes said.

In North Dakota, where the spills increased at a higher rate than the well count during the boom years of 2009-14, pipelines near waterways must have leak prevention devices but not those elsewhere; critics said that shows the oil industry's political clout. Lynn Helms, director of the North Dakota Department of Mineral Resources, said more devices would be costly and wouldn't necessarily catch small leaks.

Tessa Sandstrom, of the North Dakota Petroleum Council, said the industry is cooperating with scientists studying prevention and land restoration. When spills do happen, she said, most are cleaned up within a year.

But Bottineau County grain farmer Daryl Peterson said it took years of prodding before regulators ordered an oil company to dig up 300 truckloads of tainted soil on his property and replace it. The soil is still salty, he said.

Sublette, the University of Tulsa engineer, said soil excavation and replacement is unreliable because some operators "bring in the nastiest stuff they can find." He recommends extensive flushing with fresh water to remove salts from the zone where plants take root, then rebuilding the soil with nurturing additives. Even done correctly, it can take years to get plants growing again.

Similar methods were used on the Johnsons' pastures, but father and son said the land has not come back to life.

"It will never, ever be like it was," Justin Johnson said, giving a bleached-white stone a desultory kick. "It will never fully recover."

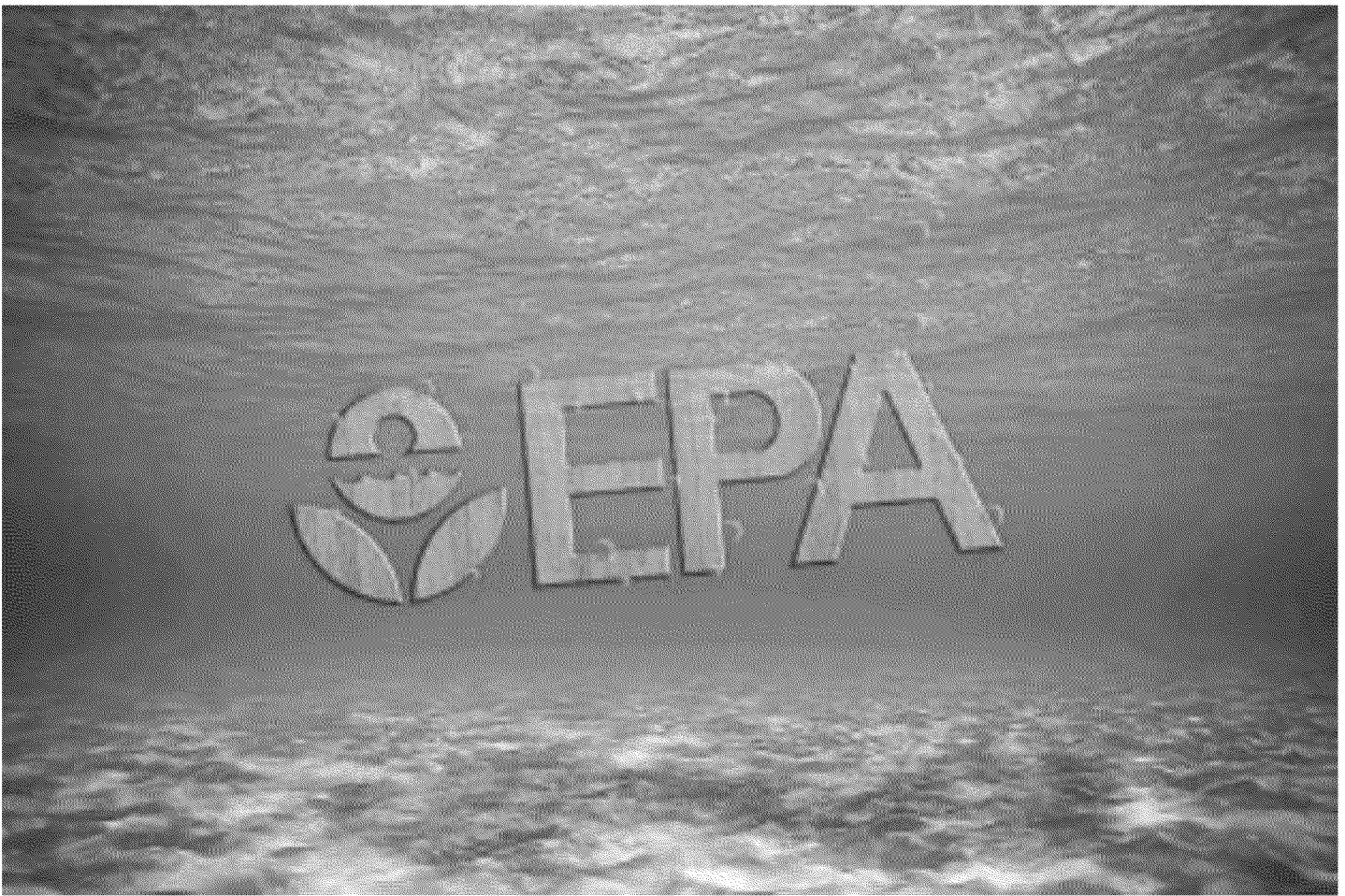
Associated Press data journalist Dan Kempton in Phoenix contributed to this report.

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Longview News-Journal

Texas falls under EPA clean water regulation

By Jim Malewitz
Sept. 7, 2015 at 11:47 p.m.



The Obama administration's controversial new clean water regulations apply in Texas after all.

Clarifying an injunction he issued last week, a federal judge in North Dakota said he blocked the federal Waters of the U.S. rule — aimed at better defining the scope of bodies of water protected under the federal Clean Water Act — from taking effect in only 13 states suing in his court.

Texas is not one of them.

It's a setback for Attorney General Ken Paxton, who cheered the injunction last week, arguing that it applied nationwide.

"We will continue to fight the EPA's blatant overreach in our own case and will work to protect the state and private property owners from this latest and potentially most invasive attempt by the Obama administration to control our lives and livelihoods," Paxton said in a statement Friday.

Friday's ruling from U.S. District Judge Ralph Erickson clears up one muddy legal question about the rule, which allows the federal government to regulate small streams and wetlands.

The confusion started Aug. 27. Hours before the regulation was set to take effect, Erickson granted a request from a group of 13 states to block it, ruling that "the risk of irreparable harm to the states is both imminent and likely" if the regulation took effect as a legal challenge winds through the courts.

Ranchers, property rights advocates and Republican critics of the Obama administration proclaimed victory, with Paxton saying the ruling prevented "a dangerous and ill-conceived set of regulations from taking effect."

But the EPA said it would still enforce the regulation in the 37 states not named in that suit.

Paxton disagreed. "The injunction applies nationwide and therefore the rule is not enforceable in Texas," the Republican said last week.

On Friday, Erickson put that claim to rest. Though he had the power to extend his decision nationwide, he wrote in an order, he chose not to do so.

"Because there are competing sovereign interests and competing judicial rulings, the court declines to extend the preliminary injunction at issue beyond the entities actually before it," Erickson wrote.

Texas and other states also have sued over the rule, which the farm lobby and Republicans paint as an attack on private property rights. The Texas suit — filed along with Louisiana and Mississippi — has been on hold since mid-August. A district judge granted a stay in the case, pending a ruling on whether the EPA can consolidate the lawsuits it faces.

"We're happy to see that the federal court in North Dakota has confirmed what we already knew: the Waters of the U.S. rule is in full effect in Texas," Sara Smith, an attorney with the group Environment Texas, said Friday in a statement. "This means loopholes in the Clean Water Act that threatened more than 143,000 miles of Texas' streams and the drinking water for 11.5 million Texans are finally closed."

The 13 states exempt from the rule are: Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota and Wyoming.

The EPA rule has sparked loud protests and plenty of questions.

Much of the concern stems from a dispute over whether or not it actually enlarges the EPA's jurisdiction. The 1972 federal Clean Water Act made it illegal to pollute "navigable waters of the United States." The rule is supposed to clarify what could be defined as a "navigable water."

The EPA always believed its jurisdiction stretched beyond traditional navigable waters, like rivers and seas, to the smaller bodies of water and wetlands that can affect them, but it didn't have a strong legal basis to prove it. The updated definition clarifies this authority, leaving ranchers and industry officials to wonder whether they will have to check with the government before using their own land.

According to the EPA, its purview includes only 60 percent of all streams — plus millions of acres of wetlands — and it barely expands the agency's jurisdiction. Paxton has countered the change means "virtually every river, stream and creek in the U.S. will come under the oversight of bureaucrats from the EPA."

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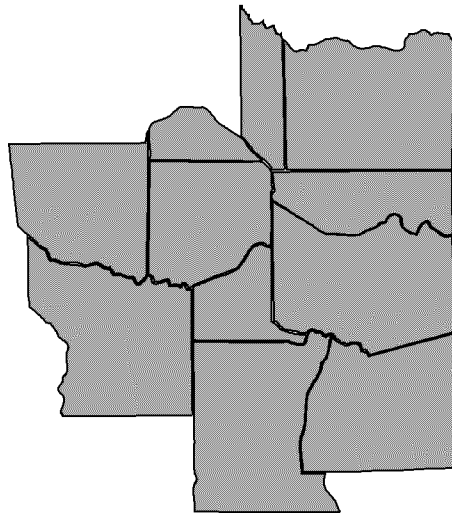
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Texas congressman says EPA can dispel suspicions in hearings on Colorado mine spill

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MATTHEW BROWN

The Associated Press

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BILLINGS, Mont. — The focus on a toxic mine spill that fouled rivers in three Western states is shifting to Congress, where lawmakers this week kick off a series of hearings into the U.S. Environmental Protection Agency accident.

Leading House and Senate Republicans said EPA officials were frustrating their attempts to investigate the spill.

They want documents released explaining how a government cleanup team doing excavation work triggered the release of 3 million gallons of rust-colored sludge from the inactive Gold King Mine near Silverton, Colorado.

U.S. Rep. Lamar Smith of Texas suggested the hearings offer the agency a chance to dispel growing suspicions over its actions.

Meanwhile, some Democrats are pursuing a proposal for companies to pay for the cleanup of thousands of abandoned mines across the U.S.